

Gateway Planning Proposal

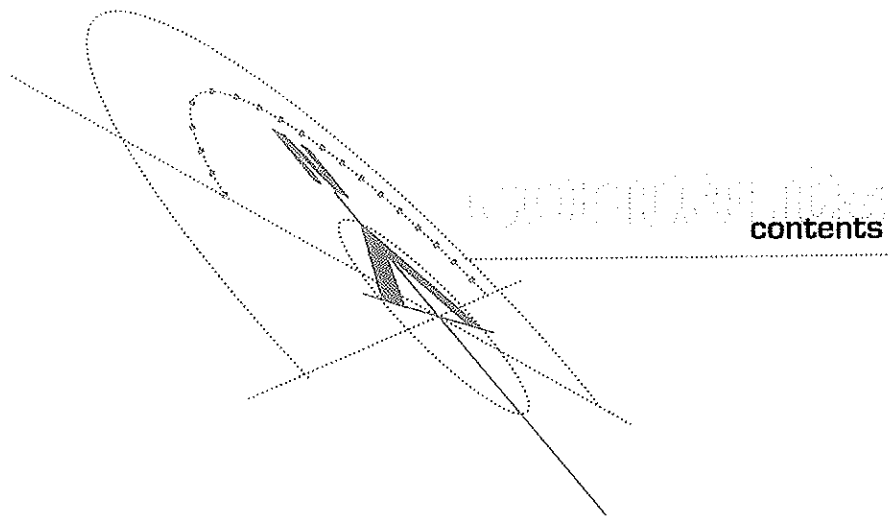
on Behalf of
Westlawn Property Trust
for Yamba Shopping Fair

Site: Lot 9 in DP 233144 & Part Lot 16 DP 746368

Our Ref: 10/453

Date: January 2011





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Executive Summary

1. Background

1.1 Project Details

Newton Denny Chapelle has been engaged by Clarence Property Corporation Ltd (ACN 094 710 942) as trustee and responsible entity for the Westlawn Property Trust (ARSN 095 611 804) to prepare a 'Planning Proposal' for lodgement with Clarence Valley Council for land located at 205 Yamba Road, Yamba and 10 Casuarina Close, Yamba, described as Lot 9 in DP 233144 and part Lot 16 in DP 746368 respectively.

The proposal provides for the creation of additional customer car parking to service existing and future development accommodated within the Yamba Shopping Fair centre which adjoins the subject lands to the east.

1.2 Location

The lands are located approximately 3.5km west of the Yamba Township and approximately 150 metres west of the Treelands Drive/Yamba Road intersection. The lands immediately adjoin Yamba Shopping Fair centre to the west and north and are located on the western approach to the Yamba Township.

Plate 1 of this report provides an aerial of the property in a local context.

The area to be rezoned has an area of 815m² [subject to survey] and is essentially rectangular in shape comprising a north – south axis. Lot 9 contains frontage to Yamba Road to the south of 15.24 metres whilst the northern property boundary of the rezoning [portion of Lot 16] enjoys a width of 30.485 metres. The eastern and western property boundaries extend some 43 metres.

Both lots are embellished with a single storey residential dwelling with access to Yamba Road [Lot 9] and Casuarina Close [Lot 16] through a sealed driveway. The properties support vegetation concentrated on the common boundary of the Yamba Shopping Fair centre.

Lot 9 adjoins a property utilised as a veterinary clinic to the west, residential land [inclusive of Lot 16] to the north, Yamba Shopping Fair car park to the east, and

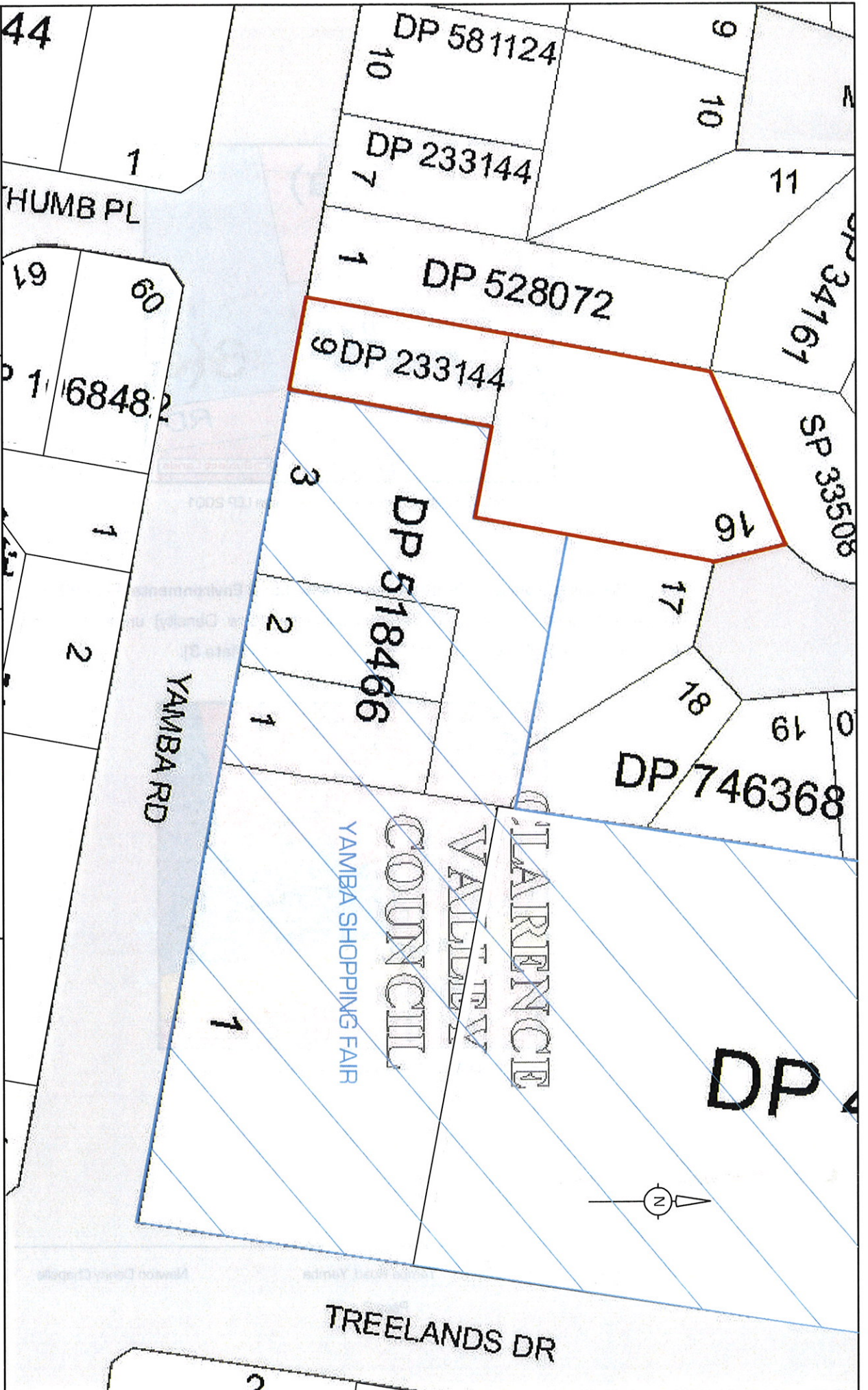
Yamba Road to the south. The locality is principally dominated by the commercial precinct fronting Yamba Road and Treelands Drive with Yamba Shopping Fair being the primary retail development of the Treelands Drive commercial precinct. Other commercial development inclusive of bulky good retailing, white good retailers and a medical centre also front Treelands Drive.



Plate 1: Aerial photo of the subject lands and Yamba Shopping Fair

1.3 Current Zoning

The subject lands are zoned 2(a) Residential (Low Density) zone under the Maclean LEP 2001 (refer to Plate 2). The 2(a) zone prohibits the development of car parking associated with a retail commercial land uses.



Client: CLARENCE PROPERTY CORPORATION LTD

Location:

LOT 9 DP 233144 & LOT 16 DP 746368
205 YAMBA ROAD
YAMBA



SUBJECT SITE

SOURCE PLAN:
YAMBA TOPOGRAPHIC MAP

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PLAN 1

LOCATION PLAN

Drawn: CD

Date: 16.12.10

Ref No. 10/453

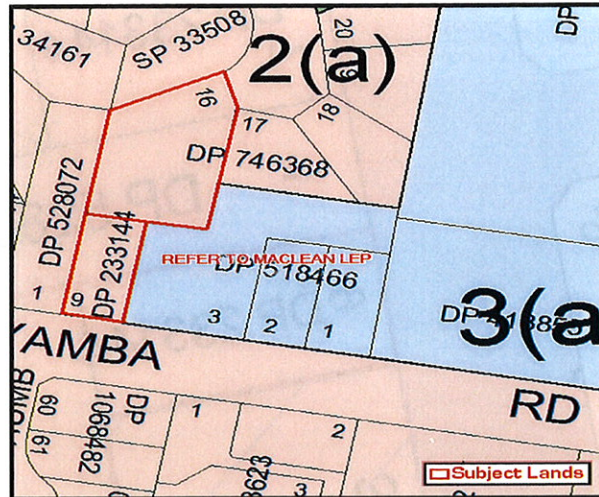


Plate 2: Existing Zoning Plan - MacLean LEP 2001

1.4 Proposed Zoning in Draft Clarence Valley Local Environmental Plan 2010

The subject lands are mapped as R2 Residential (Low Density) under the Draft Clarence Valley Local Environmental Plan 2010 (refer to **Plate 3**).

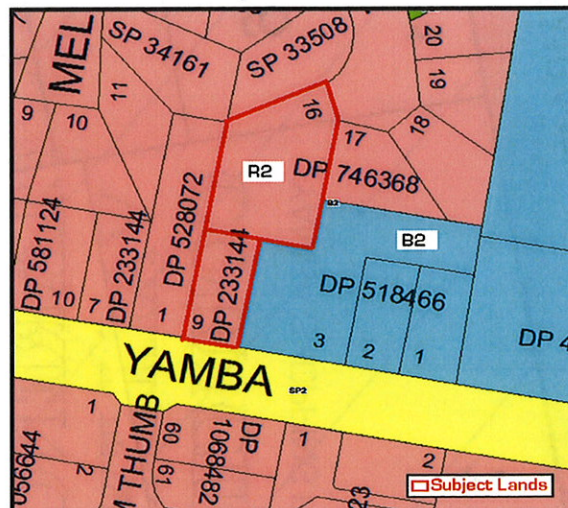


Plate 3: Draft Clarence Valley LEP Land Zoning

Part 1 Proposal Objective

The proposal objective is to enable 205 Yamba Road, Yamba and part of 10 Casaurina Close Yamba to be utilised for additional car parking to service the adjoining Yamba Shopping Fair centre. The proposal provides the opportunity to more efficiently utilise the existing 3(a) Commercial zoned land of the Yamba Shopping Fair centre through additional car parking as illustrated in ML Design Plans A-SD-01-34B (21/12/10) and A-SD-01-29D (21/12/10).

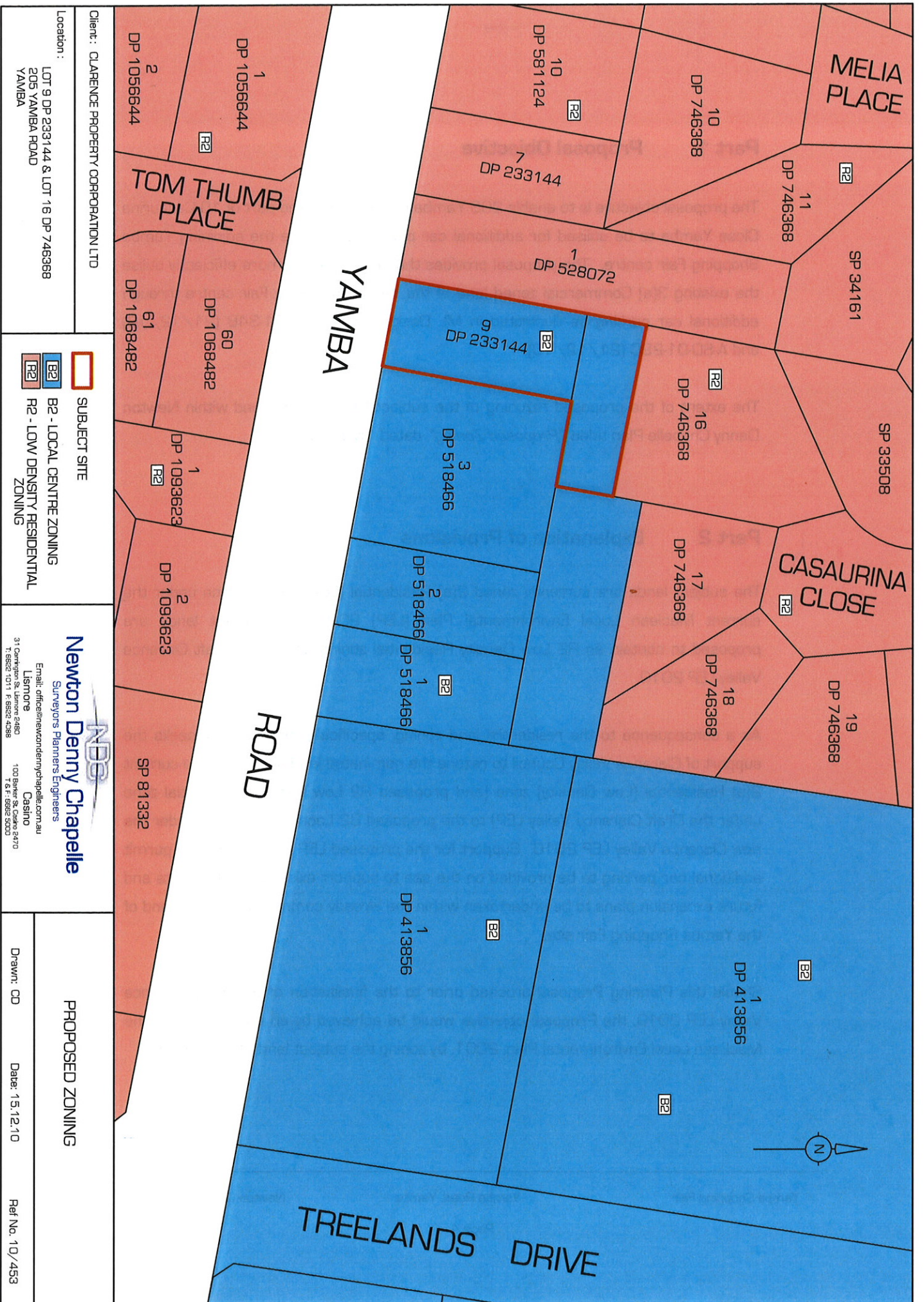
The extent of the proposed rezoning of the subject lands is contained within Newton Denny Chapelle Plan titled "*Proposed Zoning*", dated 15.12.10.

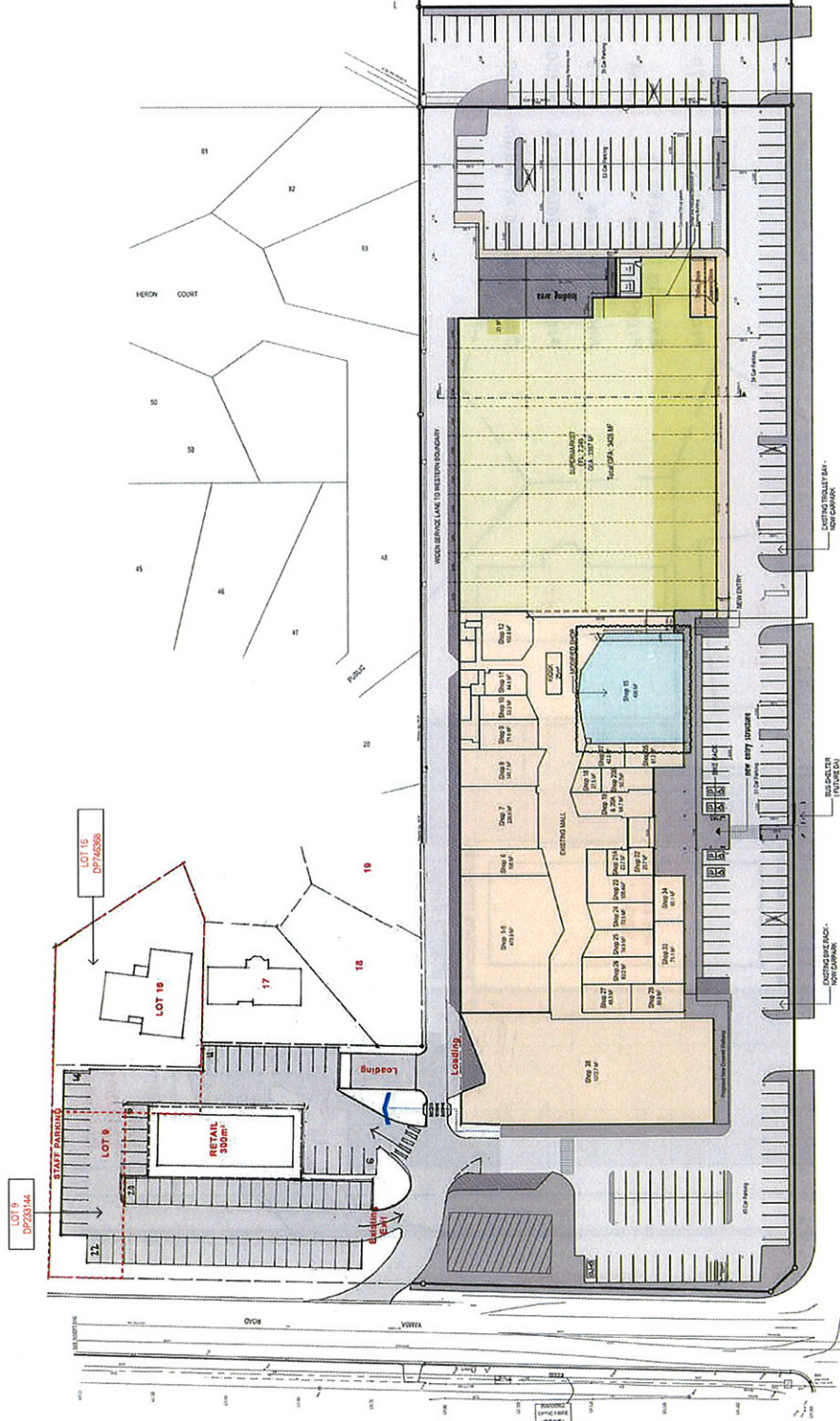
Part 2 Explanation of Provisions

The subject lands are currently zoned 2(a) Residential (Low Density) zone under the current Maclean Local Environmental Plan (LEP) 2001. The subject lands are proposed to contain an R2 Low Density Residential zoning under the Draft Clarence Valley LEP 2010.

As a consequence to the residential land zoning, specifically this proposal seeks the support of Clarence Valley Council to rezone the nominated land area from the current 2(a) Residential (Low Density) zone (and proposed R2 Low Density Residential zone under the Draft Clarence Valley LEP) to the proposed B2 Local Centre zone under the new Clarence Valley LEP 2010. Support for the proposed LEP amendment will permit additional car parking to be provided on the site to support existing retail tenants and future expansion plans to be undertaken within the already commercially zoned land of the Yamba Shopping Fair site.

Should this Planning Proposal proceed prior to the finalisation of the draft Clarence Valley LEP 2010, the Proposal objective would be achieved by an amendment to the MacLean Local Environmental Plan, 2001, by zoning the subject land 3(a) Business.





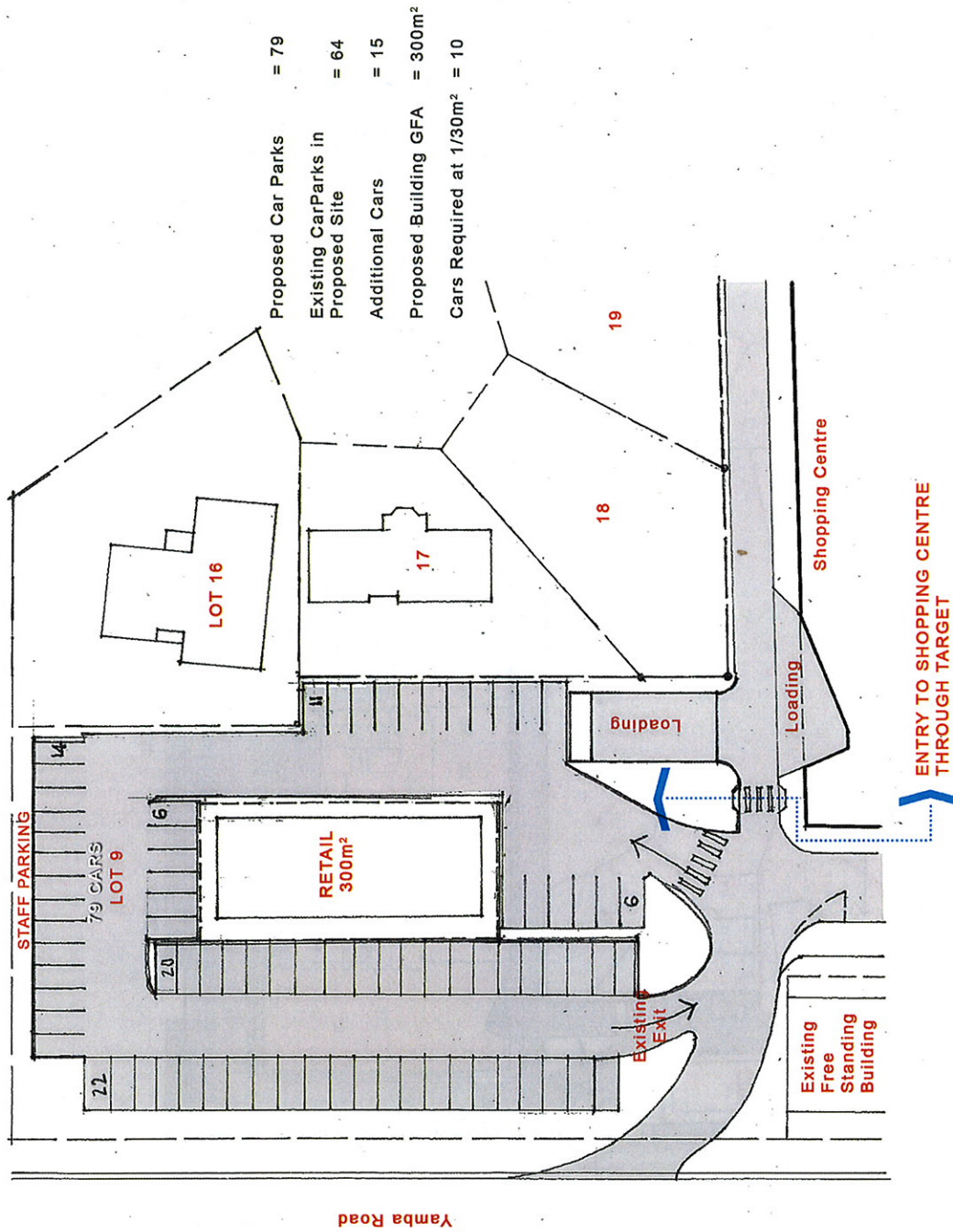
SITE PLANS - PROPOSED ADDITIONAL BUILDING- Scheme A with Overall Site Plan **Yamba Fair Shopping Centre**

WESTLAWN PROPERTY TRUST

JOB NO: WEST0001 21/12/2010 SCALE: 1:1000 @ A3 A-SD-01-34-B

File Path: P:\WEST0001_Yamba FairB_Documentation\B1_Production\B1_Drawing\ArchCAD\WestWest0001_Layout Book.dwg

APPROVED FOR ISSUE: —



SITE PLANS - PROPOSED ADDITIONAL BUILDING - Scheme A

Yamba Fair Shopping Centre

WESTLAWN PROPERTY TRUST



Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is considered to conform with the Yamba Retail /Commercial Strategy (2002), in so far as:

- *The two main centres, Yamba CBD and the Treelands Drive Commercial Centre are relatively strong and healthy. It is desirable to ensure that this is maintained.*
- *There should be no further large -scale or "greenfields" rezoning of land for business purpose, as this would fragment and weaken the existing retail hierarchy. Minor rezonings immediately adjacent to the existing CBD may be acceptable, if they reinforce the defined focus of the centre, subject to criteria.*
- *Minor extensions to existing business zones will be considered on the merits of each proposal, subject to the conditions set out in Part C of this Strategy.*
- *Yamba CBD and the Treelands Drive Commercial Centre should each develop as compact and cohesive centres.*

The planning proposal is not inconsistent with the Strategy. It is believed the proposal will strengthen the Treelands Drive commercial precinct through the supply of conveniently located public car parking; additional car parking will add to the efficient use of the already zoned commercial land through the ability to develop a minor increase to the retail GFA in association with on-site car parking compliant with the Clarence Valley DCP for Business zones; and the rezoning relates to land adjoining the existing shopping centre and as such results in the cohesive development of the Treelands Drive retail precinct.

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

Amending the Draft Clarence Valley LEP 2010 Zoning Map so the nominated land area is zoned B2 Local Centre zone best reflects the proposed car parking use of the currently zoned residential land. In this regard, the provision of additional car parking on the site to support both the existing GFA and future retail development upon the already commercial zoned land within the Yamba Shopping Fair development would become viable.

3. Is there a community benefit?

Positive social outcomes are evident in the development of additional car parking. There will be provision of additional car parking to service the general public and local residents utilising the services provided within the Yamba Shopping Fair centre.

A further public benefit will be the removal of the existing driveway cross over which services 205 Yamba Road. Access to the car parking area would be achieved through the existing access to Yamba Road. The existing access provides for a 'left in' turn only and thus the existing traffic network would not be impacted by the proposal.

To ensure there is no adverse impact on the residential amenity for those residences fronting Casuarina Close, ameliorative measures inclusive of an acoustic fence delineating the eastern boundary will be afforded as part of the future development of the site. The erection of the fence will also prohibit vehicles utilising the local residential street network to access Yamba Shopping Fair in addition to providing a clear delineation of the site for CPTP purposes.

The benefits of additional commercially zoned land are listed as follows:

- The subject sites adjoin commercial land and this is a natural extension of land use. To this end, the land use context of the locality will not be significantly modified in this instance.
- People rely on access to a wide range of retail and commercial premises to meet their business, employment, household and leisure needs.
- Lot 9 is occupied with single dwelling that is reaching the end of its economic life without substantial alterations and additions which is not deemed to be desirable given the frontage to Yamba Road and associated amenity issues.
- The proposal retains the residential use of 10 Casuarina Close.
- The zoned land, when integrated with the Yamba Shopping Fair, is positioned on Yamba Road and Treelands Drive and has access to public transport plus is within walking distance of the tourist hub.
- The nominated rezoning land can be serviced by existing infrastructure.
- The nominated rezoning land is able to address the adopted flood levels adopted by Council.
- The nominated rezoning land does not contain any known ecological constraints, endangered habitat or threatened flora and fauna.
- The lands including in this application do not include any Heritage listed items.

- The nominated rezoning land is suitable for commercial development as it shall be accessed by the existing driveway servicing the Yamba Shopping Fair. Accordingly, the proposal will result in the removal of the driveway crossover servicing the dwelling and thus reduce the number of access points to Yamba Road.

The location of the nominated land area adjoining the Treelands Commercial Precinct, close to services, bus transport links ensure more efficient servicing and access to the community of an improved retail facility with associated car parking.

Section B – Relationship to Strategic Planning Framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Policy for Retail & Commercial Development

The NSW Department of Planning's (DoP) Draft Centres Policy "*Planning for Retail and Commercial Development*" April 2009, identified the need to continue to deliver strong economic growth, make the most use of investment in infrastructure and be environmentally sustainable. This planning proposal meets the States identified key planning principles to guide development and retail commercial development by:

- Locating future commercial zoned land for car parking next to an existing commercial node of Treelands Drive thereby ensuring the efficient use of transport and infrastructure.
- The Yamba Retail /Commercial Strategy (2002) report acknowledges minor extensions to existing business zones will be considered on the merits of each proposal.
- Providing jobs closer to home, reducing car journeys by allowing accessibility to the retail area by residents with better access to public transport, walking or cycling to access goods and services.

Mid North Coast Regional Strategy 2006-2031

The *Mid North Coast Regional Strategy 2006-2031* (NSW Department of Planning 2006) identifies by 2031, an additional 59,600 dwellings will be required to satisfy population growth, the changing age structure and declining occupancy rates as well

as some expected tourism demands. Specifically for the Clarence Valley area, an additional 7,100 dwellings will be required in this period.

The proposal is consistent with the "Employment in centres" component of the "Economic development and employment growth" section of the Regional Strategy.

The Strategy provides the following commentary in relation to retail floor space.

In order to meet employment capacity projections additional commercial floor space (including car parking and associated services) will need to be provided in a manner that maintains and reflects this hierarchy. Additional floor space will be established through the development and redevelopment of existing centres and business zones. However, it is recognised that some new commercial development will be needed to service new release areas and these areas will need to be consistent with the commercial hierarchy and integrated into the planning of these new areas.

The Planning Proposal in this instance is consistent with the provisions of the MNCRS in so far as the rezoning of the land will provide greater access to on-site car parking to service the existing shopping centre, whilst providing scope to develop additional floor space within the currently zoned commercial area. The proposal whilst permitting additional car parking also presents the stimulus for additional employment generating activities to be provided within Yamba Shopping Fair.

With respect to public transport and hazard components of the MNCRS, bus transport passes the nominated rezoning land and is not likely to be significantly affected by natural hazard or environmental values.

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

Yamba Retail /Commercial Strategy (2002)

The proposal relates to land which adjoins the existing Yamba Shopping Fair and as such the Strategy is the applicable policy in the guidance of the rezoning submission.

The development of the car park area and associated scope for the provision of further retail floor space facilitates the Treelands Drive Commercial Centre as a strong and healthy retail centre consistent with the Yamba Retail/Commercial Strategy (2002) and provided through a minor increase to the business zone in a coordinated and cohesive manner.

To assist in the preservation of the commercial centres, the Strategy provides the opportunity to rezone lands "immediately adjacent to the existing CBD may be acceptable if they reinforce the defined focus of the centre. In this instance, the rezoning of the subject land strengthens the role of the Yamba Shopping Fair centre and consolidates the function of the centre as the primary retail precinct for the Treelands Drive area.

The ability to utilise the existing driveway access to the Yamba Shopping Fair centre to access the proposed car parking area negates the need for additional access locations which result in the linear expansion of the centre. In this instance the utilisation of the existing driveway provides for an integrated and cohesive shopping centre development.

Valley Vision 2020

Valley Vision 2020, (Clarence Valley Council - July 2008), is Council's adopted corporate strategic plan. The proposed rezoning and associated commercial development (parking and retail floor space) ultimately capable of being provided on this sites (subject to rezoning) would contribute to the Vision 2020 Key Goals of providing healthy economic activity and meaningful work & employment.

Clarence Valley Council Development Control Plan: Development in Business Zones

The DCP was introduced in 2006 to guide commercial development and promote well designed developments which relate to the streetscape and to the character of the locality in which the development is located.

The following on-site carparking provisions of the DCP are deemed to be relevant to this proposal. The applicable parking requirements are provided below together with the proposal's response in Table 1.

E2. Number of Parking Spaces	Carparking to be provided in accordance with Council's Carparking DCP which stipulates 1 space/30m ² .	Based on the total gross floor area of the Yamba Shopping Fair centre (8,454m ²) Clarence Valley Council's policy requires 282 car spaces based on a parking rate of 1 space/30m ² . The centre currently provides a total of 287 car spaces, however the majority of the spaces (50%) are located to the north of the shopping centre and as such are not considered to be centrally
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Yamba Shopping Fair

Yamba Road, Yamba

Newton Denny Chapelle

		located to service the southern retail tenancies. The rezoning of the land will provide scope for an additional 15 car spaces which facilitate the development of a further 450m² of commercial gross floor area. The preliminary concept plan prepared by ML Design includes the future development of a 300m² retail tenancy on the already commercially zoned land.
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6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable State Environmental Planning Policies as detailed within Table 2 below.

Table 2 – Review of SEPP's

State Environmental Planning Policy	Compliance	Comments
SEPP 1 Development Standards.	Not Applicable.	
SEPP 2 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 20.	Repealed.	
SEPP 3 Castlereagh Liquid Waste Depot. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development.	Not Applicable.	
SEPP 5 Housing for Older People with a Disability. Repealed by Seniors Living SEPP.	Repealed.	
SEPP 6 Number of Storeys in a Building.	Not Applicable.	
SEPP 7 Port Kembla Coal Loader. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 8 Surplus Public Land. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 9 Group Homes. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 10 Retention of Low Cost Rental Accommodation.	Not Applicable.	
SEPP 11 Traffic Generating Developments. Repealed by Infrastructure SEPP.	Repealed.	

SEPP 12 Public Housing (dwelling houses). Repealed by SEPP 53	Repealed.	
SEPP 13 Sydney Heliport. Repealed by Sydney REP 26.	Repealed.	
SEPP 14 Coastal Wetlands.	Complies.	None identified on this subject lands.
SEPP 15 Multiple Occupancy of Rural Land. Repealed by SEPP 42. SEPP 15 Rural Land-Sharing Communities.	Not Applicable.	
SEPP 16 Tertiary Institutions. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 17 Design of Buildings In Certain Business Centres.	Did not Proceed.	
SEPP 18 Public Housing.	Did not proceed.	
SEPP 19 Bushland in Urban Areas.	Not Applicable.	
SEPP 20 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 53.	Repealed.	
SEPP 21 Caravan Parks.	Not Applicable.	
SEPP 22 Shops and Commercial Premises.	Not Applicable.	
SEPP 23	Not allocated.	
SEPP 24 State Roads by SEPP 53.	Did not proceed.	
SEPP 26 Littoral Rainforests.	Not Applicable.	
SEPP 27 Prison Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 28 Town Houses & Villa Houses. Repealed by SEPP 25 Amendment 4.	Repealed.	
SEPP 29 Western Sydney Recreation Area.	Not Applicable.	
SEPP 30 Intensive Agriculture	Not Applicable.	
SEPP 31 Sydney (Kingsford Smith) Airport. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable.	
SEPP 33 Hazardous & Offensive Development.	Not Applicable.	
SEPP 34 Major Employment Generating Industrial Development. Repealed by Major projects SEPP.	Repealed.	

SEPP 35 Maintenance Dredging of Tidal Waterways. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 36 Manufactured Home Estates.	Not Applicable.	
SEPP 37 Continued Mines & Extractive Industries Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 38 Olympic games & Related Projects. Repealed by Major Projects SEPP.	Repealed.	
SEPP 39 Split Island Bird Habitat.	Not Applicable.	
SEPP 40 Sewerage Works.	Did not proceed.	
SEPP 41 Casino/Entertainment Complex.	Not Applicable.	
SEPP 42 Multiple Occupancy & Rural Land.	Repealed by SEPP 15.	
SEPP 43 New Southern Railway. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 44 Koala Habitat Protection.	Not Applicable.	No core Koala habitat on the sites.
SEPP 45 Permissibility of Mining. Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 46 Protection & Management of Native Vegetation. Repealed by Native Vegetation Conservation Act 1997.	Repealed.	
SEPP 47 Moore Park Showground.	Not Applicable.	
SEPP 48 Major Putrescible Landfill Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 49 Tourism Accommodation in Private Homes.	Draft only.	
SEPP 50 Canal Estate Development.	Not Applicable.	Not relevant.
SEPP 51 Eastern Distributor. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable.	
SEPP 53 Metropolitan Residential Development	Not Applicable.	
SEPP 54 Northside Storage Tunnel. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 55 Remediation of Land.	Complies.	No contamination is known to existing on the subject lands. The lands have historically been utilised as a residential dwelling and as such not historical land uses for the land are listed as being potentially contaminating.

SEPP 56 Sydney Harbour Foreshores & Tributaries. Repealed by Major Projects SEPP Amendment.	Repealed.	
SEPP 58 Protecting Sydney's Water Supply. Repealed by Drinking Water Catchments REP No 1.	Repealed.	
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable.	
SEPP 60 Exempt & Complying Development.	Not Applicable.	
SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 62 Sustainable Aquaculture.	Not Applicable.	
SEPP 63 Major Transport Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 64 Advertising & Signage.	Not Applicable.	No additional signage will be required to facilitate the car park on the rezoned land. Hence, any further signage associated with Yamba Shopping Fair will be located on the already commercially zoned land and integrated with existing signage design elements.
SEPP 65 Design Quality of Residential Flat Buildings.	Not Applicable.	
SEPP 66 Integration of Land Use & Transport. Draft.	Complies.	The lands are close to public bus transport route on both Yamba Road and Treelands Drive, being designated public transport routes.
SEPP 67 Macquarie Generation Industrial Development Strategy. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 68	Not allocated.	
SEPP 69 Major Electricity Supply Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable.	
SEPP 71 Coastal Protection	Complies.	The subject lands are located within the coastal zone. The development of the nominated land for car parking will not be anti-pathetic to the objectives of the SEPP nor will it be inconsistent with Part 4 of the SEPP pertaining to public access, effluent disposal and stormwater management.
SEPP 72 Linear Telecommunications Development - Broadband. Repealed by Infrastructure SEPP.	Repealed.	

SEPP 73 Kosciuszko Ski Resorts Repealed by SEPP Kosciuszko National Park — Alpine Resorts.	Repealed.	
SEPP 74 Newcastle Port & Employment Lands Repealed by Major Projects SEPP.	Repealed.	
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable.	
SEPP (ARTC Rail Infrastructure) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Sydney Metropolitan Water Supply) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Development on Kurnell Peninsula) 2005	Not applicable.	
SEPP (Major Projects) 2005	Not Applicable.	
SEPP (Sydney Regional Growth Centres) 2006	Not applicable.	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not applicable.	
SEPP (Infrastructure) 2007	Complies.	Pursuant to Section 104 of the SEPP, the future development of the site will need to be referred to the Traffic Committee for comment.
SEPP (Kosciuszko National Park — Alpine Resorts) 2007	Not applicable.	
SEPP (Rural Lands) 2008	Not applicable.	
SEPP — North Coast Regional Environmental Plan 1988 (NCREP)-	Applicable.	This document now has the status of a SEPP — specific relevant provisions are addressed below.
NCREP clause 45A — Plan Preparation — flood liable land A Draft LEP should not rezone flood liable land zoned, inter alia, open space unless consistent with an adopted floodplain risk management plan.	Consistent.	The existing development of the Yamba Shopping Fair has been constructed with a finished floor level commensurate with the adopted flood planning level of the existing centre at 2.24m AHD. The car park will be provided on grade and as such will contain a marginal slope from the building to the boundary fronting Yamba Road. As such the proposal will not have a significant impact on the function of the flood plain.
NCREP Plan Preparation — servicing urban areas Draft LEPs should ensure that ensuing development will make economic use of existing services.	Consistent.	All normal urban services are either available to the site or can be extended for future additional development adding to efficiency of service provision.

Western Sydney Parklands 2009	Not applicable.	
Western Sydney Employment Area 2009	Not applicable.	
Exempt & Complying Development Codes 2008	Not applicable.	
BASIX 2004	Not applicable.	
Affordable Rental Housing 2009	Not applicable.	

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

Directions made under Section 117 of the *Environmental Planning and Assessment Act 1979*, issued on 1 July 2009, which are relevant to the subject lands, are identified and addressed in **Table 3**, below.

Table 3 – Review of Section 117 Directions

Section 117 Direction	Compliance	Comments
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Consistent.	The Planning Proposal is considered to be consistent with the Business & Industrial Zone objectives and provisions of Section 1.1[4].
1.2 Rural Zones	Not applicable.	
1.3 Mining, Petroleum Production and Extractive industries	Not applicable.	
1.4 Oyster Aquaculture	Not applicable.	
1.5 Rural Lands	Not applicable.	
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Not applicable.	
2.2 Coastal protection	Complies.	The proposal is not inconsistent with the applicable provisions relating to coastal protection
2.3 Heritage Conservation	Not applicable.	
2.4 Recreation Vehicle Areas	Not applicable.	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Consistent.	The residential lot being retained within the Planning Proposal is fully serviced and does not prejudice the development of the site for residential development pursuant to the applicable density provisions.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrated Land Use and Transport	Consistent.	

3.5 Development Near Licensed Aerodromes	Not applicable.	
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Complies.	Clarence Valley Council Acid Sulfate mapping identifies the land as Class 2. Accordingly, development of the land which occur below the natural ground surface or lower the water table will require consent and associated technical assessment.
4.2 Mine Subsidence and Unstable land	Not applicable.	
4.3 Flood Prone Land	Complies.	The proposal will not impact the function of the floodplain.
4.4 Planning for Bushfire Protection	Not applicable.	
5. REGIONAL PLANNING		
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	
5.5 Development in the Vicinity of Ellalong, Paxton and Milfield (Cessnock LGA).	Not applicable.	
5.6 Sydney to Canberra Corridor	Not applicable.	
5.7 Central Coast	Not applicable.	
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements		
6.2 Reserving Land for Public Purposes	Not applicable.	
6.3 Site Specific Provisions	Complies.	

Section C – Environmental, Social and Economic Impact

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

Given the urbanised nature of the land there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be affected as a result of the proposal.

The subject lands contain no Koala food trees.

Should the subject land contain habitat of any sort, it will be necessary to carry out an assessment of significance in accordance with Section 5A of the EP&A Act and the "Threatened Species Assessment Guidelines" issued by the Department of Environment and Climate Change. The assessment of significance will determine whether there is any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

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

Noise

The proposal will create a minor increase in noise generation through the use of the land for a commercial car park. Notwithstanding the limited potential for noise generation due to the operating hours of the centre, an appropriate form of acoustic management for the existing car parking areas on the Yamba Shopping Fair site has been the inclusion of an acoustic fence (1.8m capped). The proposal would incorporate the extension of this fencing along those boundaries adjoining the development.

Traffic

Yamba Road is a two lane two way arterial road with a parking lane on both sides of the road. The two lanes are currently separated by a double white line in front of 205 Yamba Road. This central treatment varies along the length of Yamba Road however is consistent in preventing westbound traffic from making right turn movements into Yamba Shopping Fair centre.

Access to the centre is currently provided off Treelands Drive, however a left in only access is located off Yamba Road. This access has been constructed with a left turn lane which begins just east of Lot 9 DP 233144. Accordingly, the proposal will not generate the need for any additional access points to Yamba Road and will in fact reduce the number of access driveways through the reinstatement of the kerb fronting 205 Yamba Road.

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

The rezoning will result in the loss of a single dwelling lot (Lot 9 DP 233144) with the dwelling house itself considered to be requiring demolition given the need to undertake

renovations of the premises to provide an acceptable level of residential amenity. To this end, given the dwelling is adjoined to the east and west by commercial land uses and fronts Yamba Road to the south, the continued use of the land for residential purposes is not considered to be commercially viable or sustainable. The residential use for the northern portion of Lot 16 DP 746368 will continue with the land configuration providing adequate setback to the existing dwelling to comply with relevant Building Code of Australia boundary setback provisions, whilst also being commensurate to the southern boundary of adjoining lands (Lot 17 DP 746368). Therefore there will be negligible social and economic effects arising as a result of the rezoning of the nominated land.

Contemporary environmental planning practice requires development projects to be assessed against the key ecologically sustainable development principles.

Table 4 identifies those principles and assesses the lands generally and the rezoning/development concept against each of those principles.

Table 4 – ESD Principles	
Objective	Comment
(a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by: (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (ii) an assessment of the risk-weighted consequences of various options, and	Rigorous and comprehensive assessment of the site's biophysical and geophysical opportunities and constraints will be undertaken as part of the development application process. Given the urbanised form of the two sites, no key environmental factors which would prejudice the proposal are raised There are no areas of high conservation value on the sites and appropriate buffers and water quality control measures will be implemented to ensure that water quality is not compromised. The relatively minor and logical expansion of the urban footprint does not give rise to any significant risks and is considered to be an appropriate and sustainable land use.
(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations, and	The Planning Proposal is considered to be consistent with this Principle in that appropriate area to buffer the Clarence River and ability to employ stormwater management to provide for surface water to be treated prior to entering receiving drainage systems.

(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration, and	The sites do not exhibit any attributes of high biological diversity or ecological integrity.
(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as: (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	Appropriate water quality control mechanisms will be implemented to ensure that water quality in receiving waters is not diminished. Appropriate contributions will also be paid towards the augmentation of the Yamba Sewerage Treatment Plant to ensure that only high quality effluent is discharged to the natural water way system. In addition, the sites will be connected to the reticulated sewerage system. The future landowners will pay appropriate costs by way of contributions and normal rates and charges to ensure that services are provided on an equitable and sustainable basis. A number of mechanisms will be implemented to achieve the environmental goals including water and energy efficiency and stormwater management.

Section D – State and Commonwealth Interests

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

Water & Sewer

The sites are serviced by reticulated water and sewage infrastructure at a capacity to service the future intended use of the land for car parking.

Power

Sufficient capacity has been designed into the existing system to accommodate the proposed additional lots to be created from the area to be rezoned.

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

This section of the Planning Proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination.

Part 4 – Community Consultation

The Gateway Determination will specify the community consultation that must be undertaken on this Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

Low Impact Planning Proposal means a Planning Proposal that, in the opinion of the person making the Gateway Determination: is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal Local Environmental Plan; and does not reclassify public land.

Having regard to the definition of Low Impact Planning Proposals and the scale, nature and issues relating to this Planning Proposal, it is submitted that it would be defined as a Low Impact Planning Proposal. Community consultation will be commenced by the placing of a public notice in the local newspapers and on the website of the Clarence Valley Council and/or the Department of Planning. In addition, adjoining landowners will be notified in writing.

Normal exhibition material will be made available by the relevant planning authority during the exhibition period. The community consultation process will be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the Department of Planning for final consideration by the Minister.

Conclusion and Recommendations

As reflected in this Report, the Planning Proposal involves a modest scale commercial rezoning comprising approximately 975.6m² of land which is to be utilised for car parking associated with the Yamba Shopping Fair centre.

The proposed rezoning proposal may be justified on the following grounds.

1. The proposed rezoning demonstrates compliance with relevant local, regional and state plans and policies;
2. The site planning opportunities presented by the subject lands enable the development of the commercial car park in a manner which protects the amenity enjoyed by adjoining residents.
3. The ability to satisfy the demand for retail services within the Treelands Drive commercial precinct. The additional parking supply will provide the impetus for further retail and employment generating activities to be provided within the Yamba Shopping Fair centre site.
4. The rezoning preserves the residential use of the northern portion of Lot 16 DP 746368.
5. The development proposed can be adequately serviced with all urban infrastructure.
6. The compatible use of the subject lands resulting in the adoption of design measures to manage the environmental interactions of the proposal.

It is recommended Clarence Valley Council and the Department of Planning amend the Clarence Valley Local Environmental Plan 2010 Zoning Map in accordance with the proposed zoning map included in this report to B2 – Local Centre.



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