

Clarence Valley LEP 2011 - Rezone Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density Residential to B2 Local Centre

Proposal Title :	Clarence Valley LEP 2011 - Rezone Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density Residential to B2 Local Centre		
Proposal Summary :	The Planning Proposal involves the rezoning of Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density to B2 Local Centre under Clarence Valley LEP 2011 for the purpose of a service station.		
PP Number :	PP_2015_CLARE_006_00	Dop File No :	15/11819

Proposal Details

Date Planning Proposal Received :	31-Jul-2015	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	189 Yamba Road		
Suburb :	City :	Postcode :	2464
Land Parcel :	Lot 3 DP 576021		

DoP Planning Officer Contact Details

Contact Name :	Gina Davis
Contact Number :	0267019687
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RPA Contact Details

Contact Name :	Terry Dwyer
Contact Number :	0266430243
Contact Email :	terry.dwyer@clarence.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	Other	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.07	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	3
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department's Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meetings between other department officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intention of the planning proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to rezone Lot 3 DP 576021, 189 Yamba Road, Yamba from R2 Low Density Residential to B2 Local Centre under Clarence Valley LEP 2011 for the purpose of a service station. The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.2 Coastal Protection

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Refer to assessment section of the report**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which adequately show the location of the subject land. However no mapping has been included which shows the current and proposed zoning of the site. Mapping prepared in accordance with the Department's standard technical requirements for LEP maps is recommended for the public exhibition process.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal identifies a 28 day exhibition period which is considered adequate for the nature of the proposal.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council has sought an authorisation to exercise its plan making delegations in this instance. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be a local matter with no issues of State or regional significance. It is therefore recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates that the plan will be finalised in February 2016. A 9 month timeframe is considered a sufficient period for completion of the LEP.

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Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Clarence Valley LEP 2011 commenced in December 2011.

Assessment Criteria

Need for planning
proposal :

The proposal is not a result of a strategic study or report.

The subject land is zoned R2 Low Density Residential under Clarence Valley LEP 2011. The Planning Proposal aims to rezone the land to B2 Local Centre to enable a service station development to be considered for the site. It should be noted that the adjoining Lot 2 DP 576021 will form part of the intended service station development and is currently zoned B2 Local Centre under Clarence Valley LEP 2011. The proposed use is permissible in the B2 Local Centre zone with consent.

The subject land currently contains a residential dwelling with associated infrastructure and directly adjoins commercially zoned land. The proposed rezoning is considered by Council as a natural extension of the Treelands Drive Commercial Centre and as such is regarded as being consistent with the provisions of the Yamba Retail/Commercial Strategy 2002.

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Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS)

The proposal is considered to be consistent with the MNCRS.

SEPP'S

The proposal is not considered to be inconsistent with any State Environmental Planning Policies (SEPP's). Council have however identified SEPP 55 Remediation of Land as being relevant to the proposal. No contamination is known to exist on the site however. Further assessment of this issue can be conducted by Council at the development application stage.

S117 Directions.

The proposal is considered to be consistent with all applicable S117 Directions except 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land. These are discussed below.

1.1 Business and Industrial Zones

This Direction applies as the Planning Proposal will contain provisions that alter an existing zone boundary which has not been justified by a strategy. The Planning Proposal aims to increase the existing and adjoining B2 Local Centre zone by approximately 680m2. It is not anticipated that this increase will have a detrimental impact on the existing business zone and as such it is considered that this inconsistency is justified in this instance as it is of minor significance.

3.1 Residential Zones

The Planning Proposal is inconsistent with this Direction as the Planning Proposal will contain provisions that will reduce the permissible residential density of land. The subject site directly adjoins an existing business zone and therefore the rezoning to B2 Local Centre is in keeping with surrounding landuse. It will also constitute only a minor reduction in the residential zone of approximately 680m2 and as such any inconsistency can be considered to be of minor significance.

It is noted that the Planning Proposal does not identify this Direction as applicable and this should be amended prior to exhibition.

4.1 Acid Sulfate Soils

The planning proposal is inconsistent with this Direction as an acid sulfate soils study to support the proposal has not been prepared. The proponent has undertaken an Acid Sulfate Management Strategy that details soil treatment during construction however it does not assess the appropriateness of the change of landuse. This inconsistency is considered to be of minor significance as Clarence Valley LEP 2011 already contains appropriate acid sulfate soil provisions that can address this matter at the development application stage.

4.3 Flood Prone Land

The planning proposal is inconsistent with this Direction as it will allow development within a flood planning area. This inconsistency is considered to be of minor significance as the subject site is already developed and as such any intensification of use is considered minor. Provisions also exist within the Clarence Valley LEP 2011 to address flood planning at development application stage.

Environmental social economic impacts :

It is not anticipated that the proposed rezoning will have any significant adverse environmental, social or economic impact on surrounding land or the Local Government Area as a whole.

The proposal will have a positive social and economic benefit by providing additional land for employment generating purposes whilst rigorous environmental assessment by Council, will ensure that potential flooding, traffic, noise or hazard issues are fully considered.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter - Yamba Road.pdf	Proposal Covering Letter	Yes
Council Report - Yamba Road.pdf	Proposal	Yes
Planning Proposal Yamba Road.pdf	Proposal	Yes
Planning Proposal Yamba Rd - Project timeline.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
2.2 Coastal Protection
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that;**

- 1. The planning proposal be supported;**
- 2. That the planning proposal be exhibited for a period of 28 days;**
- 3. The planning proposal is to be completed within 9 months.**

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4. The Secretary (or her delegate) agree that the inconsistencies of the proposal with S117 Directions 1.1, 3.1, 4.1 and 4.3 are justified in accordance with the terms of the directions.

5. Prior to public exhibition, the planning proposal should be amended to;
- include mapping prepared in accordance with the Department's standard technical requirements for LEP maps; and
- include an updated list of applicable S117 Direction's that includes 3.1 Residential Zones.

6. That an authorisation to exercise plan making delegations be issued to Council.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal is in keeping with adjoining commercial landuse and will help to reinforce the Treelands Drive Commercial Area,

2. The loss of approximately 680m2 of residential zoned land within the Local Government Area is considered minor,

3. No detrimental social, environmental or economic impacts are anticipated from the proposal, and

4. The inconsistencies of the proposal with the S117 directions are of minor significance or are justified in accordance with the terms of the directions.

Signature:



Printed Name:

JIM CLARK

Date:

6 August 2015

Team Leader Local Planning

