

Rezoning Cameron Park, Maclean, for Public Recreation

Proposal Title : **Rezoning Cameron Park, Maclean, for Public Recreation**

Proposal Summary : **Rezoning the open space area within Cameron Park from SP2 Infrastructure to RE1 Public Recreation to recognise its current and future use as a public park.**

PP Number : **PP_2012_CLARE_002_00** Dop File No : **12/08112**

Proposal Details

Date Planning Proposal Received : **07-May-2012** 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 : **Centenary Drive**

Suburb : **Maclean** City : **Maclean** Postcode : **2463**

Land Parcel : **Part Lot 101 DP 1110269**

DoP Planning Officer Contact Details

Contact Name : **Carlie Boyd**

Contact Number : **0266416610**

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RPA Contact Details

Contact Name : **David Morrison**

Contact Number : **0266430204**

Contact Email : **david.morrison@clarence.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** 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) 0.00

Type of Release (eg
Residential /
Employment land) : N/A

No. of Lots : 1

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government
Lobbyists Code of
Conduct has been
complied with : Yes

If No, comment : The Department of Planning 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 meeting between other Departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : Council has resolved to include in the planning proposal the reclassification of the land from Operational Land to Community Land. Council can do this by resolution under section 33 of the Local Government Act 1993 without the need its inclusion in the planning proposal.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objective and intended outcomes of the planning proposal are adequately expressed for the proposed amendment to Clarence Valley LEP 2011.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.2 Coastal Protection

3.4 Integrating Land Use and Transport

* May need the Director General's agreement

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? No

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

d) Which SEPPs have the RPA identified? **SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection

e) List any other matters that need to be considered : **The rezoning of the proposed site is consistent with the MNC Regional Strategy and Council's corporate strategic plan Valley Vision 2020.**

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : **The mapping adequately shows the subject land and the proposed zoning. Mapping that complies with the Department's 'Standard Technical Requirements for LEP Maps' will be provided for the making of the LEP.**

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : **A 28 day exhibition of the planning proposal is proposed within the planning proposal. The Gateway will determine the timeframe required for exhibition. Community consultation will be in accordance with the Department's 'A Guide to Preparing an LEP'. A 14 day exhibition period is considered sufficient by this office.**

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons : **There are no additional requirements.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : **The planning proposal satisfies the adequacy criteria by:**
1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal; and
4. Outlining a proposed community consultation program.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The new Standard Instrument LEP for the LGA (Clarence Valley LEP 2011) was gazetted on 23 December 2011.**

Assessment Criteria

Need for planning proposal : **It does not appear that there is any particular need for the rezoning of the site, as no development is proposed which would require a rezoning. The planning proposal, however, argues that the current zone does not adequately reflect the current and**

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preferred future use of the site as a public park. The park is within the same lot as a public carpark and is currently largely surrounded by carparking spaces. Car parking is permissible across the site under the current zoning. Council argues that the zone applying to the remaining green portion of the site should reflect its use as a public park. The proposed RE1 zone would ensure that the park is not available for development as a carpark in the future.

The proposed change to the LEP is the most appropriate means of achieving the proponent's desired outcome for the proposal. The community benefit of the proposal stems from the fact that the land would be more easily retained as public open space.

The planning proposal includes a proposal by Council to reclassify the subject land from operational to community, as defined under the Local Government Act 1993. Section 33 of this Act allows for this reclassification by means of a resolution of Council, without the need to obtain additional approval. This component of the proposal is therefore not required to be included in the planning proposal and should be removed.

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Consistency with strategic planning framework :

The proposal is consistent with all relevant local and regional planning strategies, including the Mid North Coast Regional Strategy and Council's Operational Strategic Plan. Several SEPPs and S117 Directions are relevant to the proposal. The proposal is consistent with all relevant SEPPs and Directions, as outlined below:

SEPPs

SEPP 32 - Urban Consolidation (Redevelopment of Urban Land):

Section 6 of the SEPP requires Council and the Minister to consider whether urban land which is no longer needed or used for the purposes for which it is currently zoned or used, is suitable for redevelopment for multi-unit housing and related development, and whether action should be taken to make the land available for such redevelopment.

Council has considered this issue and argues that the proposed rezoning to RE1 allows the land to be considered as "related development", which might serve existing and future multi-unit housing. The land is also still being used in the same way that it has always been used (as a public park) and the new proposed zoning will not change this use. The proposal is therefore considered to be consistent with the SEPP.

SEPP 55 - Remediation of Land:

SEPP 55 requires consideration of contaminated land issues where land that may be contaminated is proposed to be rezoned. The planning proposal does not provide any evidence of likely contamination of the site and the proposal does not involve a change in land use of the land. The land has historically been used as a public park and the proposed rezoning will not result in any change in this regard. The proposal is therefore considered to be consistent with the SEPP.

SEPP 71 - Coastal Protection:

Clause 7 of SEPP 71 requires the consideration of matters listed under clause 8 of the SEPP where a planning proposal applies to land within the coastal zone. The subject land is within the coastal zone, as it is close to the tidal Clarence River. The matters for consideration have been considered by Council in the planning proposal. None of the matters are of relevance to the proposal, as no change in land use, development or intensification of the site is proposed. The proposal is therefore considered to be consistent with the aims and requirements of the SEPP.

Section 117 Directions

2.2 Coastal Protection:

This Direction applies as the land is located within the coastal zone. The proposal is consistent with the Direction, for the reasons outlined above in relation to SEPP 71.

2.3 Heritage Conservation:

This Direction applies to the proposal as land is proposed for rezoning. However, as no change in use is proposed there are no likely impacts to items, areas, objects or places of heritage significance. The land is proposed to be retained as a public park. No development is planned for the site. The proposal is therefore consistent with this Direction.

3.4 Integrating Land Use and Transport:

This Direction applies as the proposal relates to urban land. The proposal to rezone the land to reflect its current use as a public park is not inconsistent with the requirements of the Direction. The rezoning will prevent the future development of the land for car parking in an area where additional car parking is required. However, Council has given consideration to this issue and intends to cater for further car parking in the area by other

means. The land has been used as a public park for many years and this is the preferred future use of the land. The proposal is therefore considered to be consistent with this Direction.

4.1 Acid Sulfate Soils:

This Direction applies as the site is identified as having a probability of containing acid sulfate soils. However, the planning proposal does not provide for an intensification in land use on the site. The current land use as a public park will remain. The Clarence Valley LEP 2011 contains adequate provisions to ensure that the site is properly managed in relation to acid sulfate soils should any development of the site be proposed in the future. The proposal is therefore considered to be consistent with this Direction.

4.3 Flood Prone Land:

This Direction applies as the proposal relates to flood prone land. However, the site is within the developed urban area of Maclean and the proposal does not involve development of the site or intensification of its current land use. The site will remain as public open space. The Clarence Valley LEP contains adequate provisions relating to the development of flood prone land. The proposal is therefore considered to be consistent with this Direction.

5.1 Implementation of Regional Strategies:

The MNC Regional Strategy applies to the planning proposal. The subject site is located within the existing urban area of Maclean. The planning proposal is considered to be consistent with all relevant principles within the regional strategy and is therefore consistent with this Direction.

Environmental social
economic impacts :

The proposal will not result in any environmental or economic impacts, as the land will remain as a public park. The retention of the park under a more appropriate zoning (RE1) may represent a social benefit for the community.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

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 :

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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
Planning_Proposal_Cameron_Park_Maclean.pdf	Proposal	Yes

Planning Team Recommendation

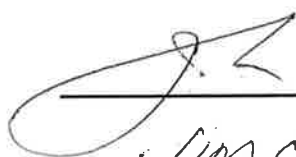
Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.2 Coastal Protection**
 3.4 Integrating Land Use and Transport
 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 is supported;
 2. The planning proposal is to be exhibited for a period of 14 days;
 3. The planning proposal should be completed within 6 months;
 4. The Director General (or an officer of the Department nominated by the Director General) agree that the planning proposal is consistent with all S117 directions; and
 5. The planning proposal be amended to remove reference to the reclassification of the land from operational to community under the Local Government Act 1993. This should occur by Council resolution under section 33 of the Local Government Act.

Supporting Reasons : **The planning proposal is consistent with all relevant SEPPs and S117 Directions and is consistent with the MNC Regional Strategy and Council's operational strategic plan. The proposal merely rezones the land to reflect its current and proposed future use, as a public park.**

Signature:



Printed Name:

Jim Clark

Date:

10 May 2012