



clarence
ALLEY COUNCIL

4 May 2012

Reference: Cameron Park PP
Contact: David Morrison

The Regional Manager
Department Planning & Infrastructure
Locked Bag 9022
GRAFTON NSW 2460

Dear Steve

Planning Proposal
Part Lot 101 DP1110269, Cameron Park, Maclean

Received

7 MAY 2012

12/08/12

North Coast

Council, at its Meeting held on 20 September 2011, resolved to support a planning proposal over the above mentioned land and to refer it to the Planning Gateway. The purpose of the Planning proposal is to rezone Cameron Park to RE1 – Public Recreation and to reclassify it as operational land, consistent with its current use.

Since that time, Council has had further deliberations in regard to a related matter of car parking within the Maclean Town Centre and has, for probity reasons, sought assistance from an external planning consultant to assist with the preparation of the planning proposal.

The planning proposal has now been prepared and Council now seeks a Gateway determination.

A copy of the draft Planning Proposal is attached. An electronic copy can be provided on request. I have also attached a copy of the relevant Council reports and resolutions from 20 September 2011.

If you require further information please contact me on telephone 0266 430 204.

Yours faithfully

David Morrison
Manager Strategic & Economic Planning

PLANNING PROPOSAL

Rezoning of Part Lot 101 DP1110269, Cameron Park, Maclean



Prepared by: Clarence Valley Council
April 2012

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PRELIMINARY

Context

This Planning Proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Infrastructure's "*A guide to preparing planning proposals*" (July 2009).

The Proposal has been prepared as a first step in the preparation of a local environmental plan (LEP). It is intended to explain the effect of the intended LEP, including setting out the justification for the making of the LEP.

Clarence Valley Council, at its Meeting held on 13 September 2011 resolved to rezone Cameron Park from its existing 'special use' zoning to a 'recreation' zone (for community use) suitable to its present use as a public park. This Proposal represents Council's action to comply with this resolution.

Subject Land

The Proposal applies to land located off Centenary Drive and surrounded by public car parking, and which is part of Lot 101 DP 1110269. The land is located in the township of Maclean at the western edge of the Maclean Town Centre.

The land is approximately 5625m² in area; Figure 1 identifies the subject land – edged in a heavy black line.

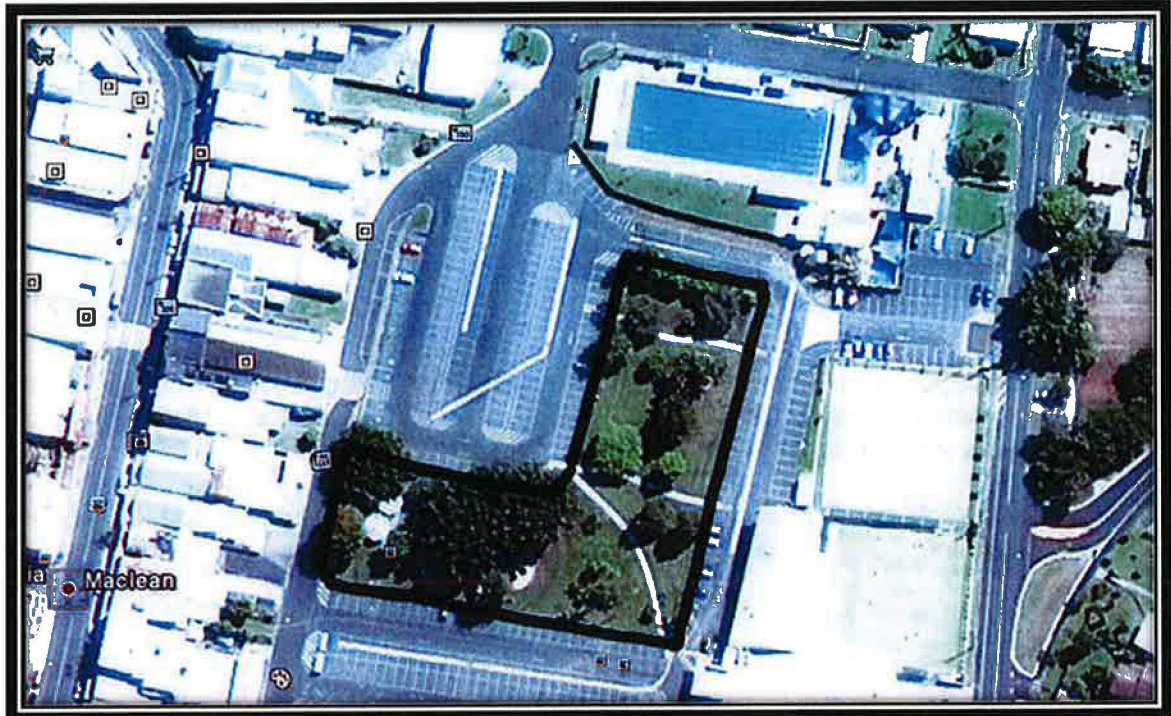


Figure 1: Aerial Photograph of Subject Land.

Current Zoning and Use

The subject land is currently zoned SP2 – Infrastructure (Car Parking) under the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011), as shown in Figure 2.

The land is presently used as a public park.

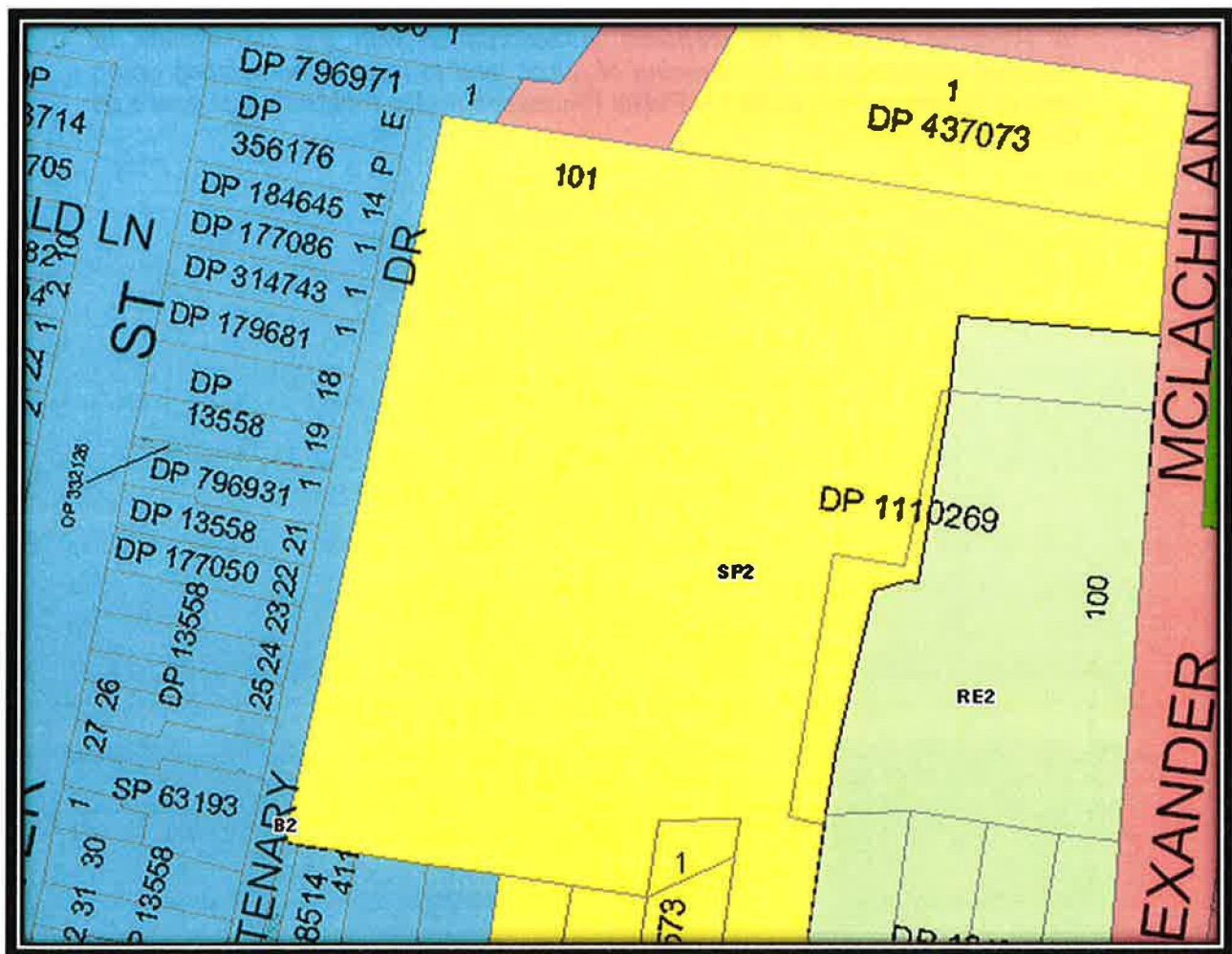


Figure 2: Zoning.

Background

Council is presently seeking to rezone part of its public car park in the Maclean Town Centre from a 'special uses' zone to a 'business' zone. The rezoning is to facilitate the development of this land for the purposes of a supermarket. As part of this process, Council has resolved to rezone the subject land from SP2 – Infrastructure (Car Parking) to RE1 Public Recreation and to classify the subject land as community land, consistent with its present use as public park. The particular Council resolution which gives rise to the rezoning provides:

*"A Planning Proposal be prepared in accordance with the Department of Planning guidelines for the rezoning of public land to rezone the existing green area of Cameron Park to RE1 – Public Recreation and to reclassify that space as Community Land."*¹

¹ Clarence Valley Council Ordinary Meeting 20 September 2012,

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of this Proposal is to rezone the subject land (part of proposed Lot 103 in the subdivision of Lot 101 DP 1110269, within the Maclean Town Centre) and to classify it as community land, in order to better recognize its present and future use as public park, and to safeguard the subject lands continued use as public park.

PART 2 EXPLANATION OF PROVISIONS

The Proposal to rezone the subject land is described as:

- Amendment of the CVLEP 2011 Land Zoning Map (Sheet LZN_011F) in accordance with the proposed zoning map shown in Appendix A, rezoning the land to RE1 – Public Recreation, and
- Amendment of Part 3 of Schedule 4 of the CVLEP 2011 by the inclusion of the subject land, effectively reclassifying the land as operational.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No.

The Proposal is aimed at recognizing the present and future use of the subject land as public park.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes; rezoning the subject land to RE1 Public Recreation will provide a zoning which better and more clearly reflects its use as public park.

Reclassification of the subject land to community land will also, to an extent, safeguard its continued use as public park, given that reclassification to community land makes it more difficult to sell, lease or license the subject land.

The alternative to rezoning and reclassifying the subject land would be to leave its present zoning in place, however this would not achieve the objectives or intended outcomes outlined earlier.

3 Is there a net community benefit?

There are limited external costs and benefits arising from the Proposal.

The cost arising out of the Proposal is best described as the loss of land that might potentially be used for (future) car parking – the present zoning identifying the subject land as car park (SP2 – Infrastructure (Car Park)).

The benefit arising from the Proposal is recognition of the present and (foreseeable) future use of the subject land as public park, as well as the safeguarding of this public park use given that its reclassification to community land will also, to an extent, make it more difficult to sell, lease or license the subject land. It is of note that a “car park” is a prohibited use in the RE1 Public Recreation zone.

Council is of the view that the Proposal represents a net gain in terms of community benefit, with the safeguarding of the subject land for public park purposes outweighing the possible future use of the subject land for car parking (or other permissible) purposes.

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 (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Mid North Coast Regional Strategy 2009 (the Regional Strategy) is the relevant regional strategy encompassing Maclean.

The Regional Strategy does not include anything of particular relevance to the Proposal.

- 5 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Valley Vision 2020 is Council's adopted corporate strategic plan.

This Planning Proposal is consistent with that plan's goals:

- for society and culture, being to focus on providing places, services, information and opportunities for people of all age groups and backgrounds to enjoy a healthy lifestyle²; and
- for human habitat, ensuring character and atmosphere of our settlements are maintained and enhanced³.

- 6 Is the planning proposal consistent with applicable state environmental planning policies?**

The Planning Proposal is consistent with applicable state environmental planning policies; see Appendix B.

- 7 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The Planning Proposal is consistent with applicable Section 117 Directions; see Appendix C.

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?**

There is little likelihood that the Planning Proposal will adversely impact on critical habitat or threatened species, populations or ecological communities, or their habitats. The subject land is presently developed in the form of a public park.

² Page 26 Valley Vision 2020 (Clarence Valley Council).

³ Page 28 Valley Vision 2020 (Clarence Valley Council).

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

The Planning Proposal will not give rise to any environmental effects; no change to the present use of the subject land (public park) is envisaged.

10 How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal (rezoning) will not result in any direct social or economic effects, given the site is presently used for a public park, and is envisaged to be used as such for the foreseeable future.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11 Is there adequate public infrastructure for the planning proposal?

Not applicable. The Planning Proposal does not require any infrastructure. Indeed, it is a form of infrastructure in the form of a public park.

12 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No gateway determination has been made in respect of this Planning Proposal. Accordingly the views of State and Commonwealth public authorities is not known at this stage.

It is intended to revise this section of the Planning Proposal following review of the Proposal by the Minister for Planning (gateway determination).

PART 4 - COMMUNITY CONSULTATION

It is considered that the Planning Proposal is not a "low impact planning proposal" under section 4.5 of *"A guide to preparing local environmental plans"*. This is on the basis that the Proposal includes the reclassification of public land. It is envisaged that a 28 day exhibition period will therefore apply to this Proposal.

Department of Planning LEP practice note PN 09-003 *Classification and reclassification of public land through a local environmental plan* provides guidance on the process to classify or reclassify public land through a local environmental plan. PN 09-003 supersedes (re)classification advice in *"Best practice Guidelines for LEPs and Council Land"* January 1997.

PN 09-003 states that when exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement which addresses various matters. Such a statement is included in Appendix D.

Appendix A: Proposed Zoning Map



Appendix B: State Environmental Planning Policies

State Environmental Planning Policy	Compliance	Comments
SEPP 1 Development Standards	Not applicable.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development	Not applicable	
SEPP 14 Coastal Wetlands	Not applicable.	
SEPP 15 Rural Landsharing Communities	Not applicable.	
SEPP 19 Bushland in Urban Areas		
SEPP 21 Caravan Parks	Not applicable.	
SEPP 22 Shops and Commercial Premises	Not applicable.	
SEPP 26 Littoral Rainforests	Not applicable.	
SEPP 29 Western Sydney Recreation Area	Not Applicable	
SEPP 30 Intensive Agriculture	Not applicable.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	Yes.	The subject land is proposed to be rezoned for "related development", which might serve existing and future multi-unit housing.
SEPP 33 Hazardous & Offensive Development	Not applicable.	
SEPP 36 Manufactured Home Estates	Not applicable.	
SEPP 39 Split Island Bird Habitat	Not Applicable	
SEPP 41 Casino/Entertainment Complex	Not Applicable	
SEPP 44 Koala Habitat Protection	Not applicable.	
SEPP 47 Moore Park Showground	Not Applicable	
SEPP 50 Canal Estate Development	Not applicable.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas	Not Applicable	
SEPP 55 Remediation of Land	Yes.	The Planning Proposal does not involve a change of land use; the present public park use is envisaged to continue for the foreseeable future.
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable.	
SEPP 60 Exempt & Complying Development.	Not Applicable.	
SEPP 62 Sustainable Aquaculture.	Not applicable.	
SEPP 64 Advertising & Signage.	Not applicable.	
SEPP 65 Design Quality of Residential Flat Buildings.	Not applicable.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable.	
SEPP 71 Coastal Protection	Yes.	Clause 7 of SEPP 71 requires that the matters listed in that clause be taken into account in the preparation of any draft LEP. These clause 8

State Environmental Planning Policy	Compliance	Comments
		matters are addressed in Appendix G.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable.	
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable.	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable.	
State Environmental Planning Policy (Infrastructure) 2007	Not applicable.	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.	
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable.	
SEPP (Major Development) 2005	Not applicable.	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable.	
State Environmental Planning Policy (Rural Lands) 2008	Not applicable.	
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable.	
State Environmental Planning Policy (State and Regional Development) 2011	Not applicable.	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable.	
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable.	
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable.	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.	
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable.	
Draft NSW Planning Guidelines: Wind Farms	Not applicable.	

Appendix C: Section 117 Directions

Section 117 Direction	Compliance	Comments
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable.	
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	Yes.	Appendix C of the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997 sets out those matters of the Policy most relevant to the making of a LEP and which should be given consideration. These matters are set out in Appendix F. The Coastal Design Guidelines 2003 do not contain anything of direct relevance to the Planning Proposal, apart from the Proposal's provision of open space (small pocket park) which is also co-located with shops (Maclean Town Centre).⁴ No coastal management plan has been prepared which encompasses the Maclean Township. Notwithstanding, the Planning Proposal is considered of minor significance, given it is a relatively small site located within the Maclean Town Centre, which is also distant from the edge of the Clarence River.
2.3 Heritage Conservation	Not applicable.	The Planning Proposal seeks to amend CVLEP 2011. This principal LEP includes clause 5.10 Heritage conservation, which manages the impact of development on heritage values. Any development of the subject land will be subject to the provisions of clause 5.10 of the

⁴ Page 53 Coastal Design Guidelines 2003 (Coastal Council of NSW, Urban Design Advisory Service and Tourism New South Wales).

Section 117 Direction	Compliance	Comments
		CVLEP2011.
2.4 Recreation Vehicle Areas	Not applicable.	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Not applicable.	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrated Land Use and Transport	Yes.	None of the 10 principles are of direct relevance to the Planning Proposal. Principle 8 is however of limited relevance, insofar as the future development of the subject land for car parking purposes will be made more difficult. However, Council have given consideration to the provision of further car parking within the Maclean Town Centre by other means.⁵ In relation to the <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>, this document does not contain anything of direct relevance to the Planning Proposal.
3.5 Development Near Licensed Aerodromes	Not applicable.	
3.6 Shooting Ranges	Not applicable.	
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	Yes.	The subject land is identified as having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning. The Planning Proposal does not provide for an intensification of land use – it is intended to simply recognize the existing use of the subject land as public park and safeguard this continued use. It is of note that the instrument (CVLEP 2011) to be amended by the rezoning contains adequate provisions (clause 7.1) to ensure that any subsequent development of the site is properly managed having regard to the potential presence of acid sulfate soils.

⁵ Clarence Valley Council Ordinary Meeting 18 October 2011

Section 117 Direction	Compliance	Comments
4.2 Mine Subsidence and Unstable land	Not applicable.	
4.3 Flood Prone Land	Yes.	Flooding within the Maclean Township was given particular consideration in the Grafton and Lower Clarence Floodplain Risk Management Plan. The findings and recommendations from this Plan have informed clause 7.3 Flood planning within CVLEP 2011, which will regulate future development (in terms of flooding) on the subject land.
4.4 Planning for Bushfire Protection	Not applicable.	
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Yes.	Consistency with this Direction has been addressed in previous sections of this Planning Proposal.
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 Millfield (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	Not applicable.	
6.2 Reserving Land for Public Purposes	Not applicable.	
6.3 Site Specific Provisions	Not applicable.	

Appendix D: PN 09-003 Written Statement

Statement of Council's Interest	Description of Council's Interest
The reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre	This has been addressed in previous parts of this Planning Proposal.
the current and proposed classification of the land	The subject land is presently classified as operational land. The subject land will be classified as community land upon rezoning.
the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification	This has been addressed in previous parts of this Planning Proposal.
council's ownership of the land, if this applies	The subject land is owned by Council (Freehold).
the nature of council's interest in the land, e.g. council has a 50 year lease over the site	The subject land is owned by Council (Freehold).
how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	There is no information indicating when Council acquired its interest in the subject land.
the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	Not applicable.
any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	There are no agreements or the like associated with the decision to rezone the subject land.
an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	Not applicable.
the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	Not applicable.
whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when	Not applicable.

Statement of Council's Interest	Description of Council's Interest
council intends to realise its asset, either immediately after rezoning/reclassification or at a later time	
Relevant matters required in plan making under the EP&A Act	Those matters have been addressed throughout this Planning Proposal.
A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies	A copy of PN09-003 is attached to this Planning Proposal.

Appendix E: Clause 8 Matters (SEPP 71)

Matter	Comment
the aims of this Policy set out in clause 2	See Appendix G below.
existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	Not applicable; the subject land being distant from the Clarence River.
opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	Not applicable; the subject land being distant from the Clarence River.
the suitability of development given its type, location and design and its relationship with the surrounding area	Not applicable; the subject land is already by way of public park.
any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	Not applicable; the subject land being distant from the Clarence River.
the scenic qualities of the New South Wales coast, and means to protect and improve these qualities	Not applicable; the subject land being distant from the Clarence River.
measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats	Not applicable; the subject land being distant from the Clarence River.
measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	Not applicable; the subject land being distant from the Clarence River.
existing wildlife corridors and the impact of development on these corridors	Not applicable; the subject land being distant from the Clarence River.
the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	Coastal processes and hazards likely to impact the subject land relate to those which exacerbate flooding. CVLEP 2011 includes adequate controls regulating development subject to flooding (causes 7.3 and 7.4). It is notable that the subject land is not included in an area subject to "coastal risk" as identified on the Coastal Risk Planning Map forming part of CVLEP 2011.
measures to reduce the potential for conflict between land-based and water-based coastal activities	Not applicable; the subject land being distant from the Clarence River.
measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	Not applicable; the subject land is within an existing urban area.
likely impacts of development on the water quality of coastal waterbodies	Not applicable; the subject land being distant from the Clarence River.
the conservation and preservation of items of heritage, archaeological or historic significance	The maintenance of the public park on the subject land will ensure no adverse impacts on

Matter	Comment
	the heritage values of Maclean result. It is of note that CVLEP 2011 includes clause 5.10 which deals with heritage related matters.
only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Not applicable.
only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient	Not applicable.

Appendix F: Strategic Actions – NSW Coastal Policy 1997

Strategic Action	Compliance	Comment
Table 1		
1.1.2	Not applicable.	
1.1.3	Not applicable.	
1.1.5	Not applicable.	
1.1.9	Not applicable.	
1.1.10	Not applicable.	
1.1.11	Not applicable.	
1.3.7	Not applicable.	
1.3.14	Not applicable.	
2.1.1	Yes.	
2.2.2	Not applicable.	The subject land is not identified on the Coastal Risk Planning Map forming part of CVLEP 2011.
3.1.2	Not applicable.	
3.2.4	Not applicable.	
3.3.1	Not applicable.	
4.1.2	Yes.	The subject land will be subject to clause 5.10 of the CVLEP 2011.
4.1.4	Not applicable.	
5.1.2	Not applicable.	THE CVLEP 2011 has been informed by various strategies.
5.1.3	Not applicable.	
5.1.7	Not applicable.	
5.1.8	Not applicable.	
5.2.3	Not applicable.	
5.2.11	Not applicable.	
6.1.1	Not applicable.	
6.1.2	Not applicable.	
6.1.4	Not applicable.	
6.2.1	Not applicable.	
6.3.1	Not applicable.	
6.4.1	Not applicable.	
6.4.2	Not applicable.	
7.2.4	Not applicable.	
Table 3 (Strategic Action 3.2.4)		
1	Not applicable.	
2	Not applicable.	
3	Not applicable.	
4	Not applicable.	
5	Not applicable.	
7	Not applicable.	
8	Not applicable.	
9	Not applicable.	
10	Not applicable.	

Appendix G: Aims of SEPP 71

Aim	Comment
(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast	The Planning Proposal will maintain the recreational use of the subject land.
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore	Not applicable; the subject land being distant from the Clarence River.
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore	Not applicable; the subject land being distant from the Clarence River.
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge	Not applicable; the subject land is within an existing urban area.
(e) to ensure that the visual amenity of the coast is protected	Not applicable; the subject land being distant from the Clarence River.
(f) to protect and preserve beach environments and beach amenity	Not applicable; the subject land being distant from the Clarence River.
(g) to protect and preserve native coastal vegetation	Not applicable; the subject land being distant from the Clarence River.
(h) to protect and preserve the marine environment of New South Wales	Not applicable; the subject land being distant from the Clarence River.
(i) to protect and preserve rock platforms	Not applicable; the subject land being distant from the Clarence River.
(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991)	The Planning Proposal is considered consistent with the principles of ecologically sustainable development.
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area	Not applicable; the use of the subject land as public park is intended to continue for the foreseeable future.
(l) to encourage a strategic approach to coastal management	The Planning Proposal simply recognizes the current and intended future use of the subject land as public park.

Committee:	CIVIL & CORPORATE
Section:	Civil & Corporate
Date:	13 September 2011
Item:	13.167/11 MACLEAN CARPARK – IMPACT OF SALE OF PART SITE ON PUBLIC CARPARKING SPACES AND REPLACEMENT OPTIONS

CONFIDENTIAL ATTACHMENT & ATTACHMENT**REPORT SUMMARY**

Investigates the impact of the proposed sale of 3,750m² of the carpark on public carparking spaces and presents options for full or partial replacement of those spaces.

OFFICER'S RECOMMENDATION

That:

1. Council acknowledge that the number of carparking spaces requiring replacement as a result of the sale of 3,750m² of the Maclean carpark is between 65 and 109.
2. 103 replacement carparking spaces be provided utilising approximately 2,240m² of the northern section of Cameron Park plus the undeveloped rear section of the Maclean Library site.
3. A Planning Proposal be prepared in accordance with the Department of Planning guidelines for the rezoning of public land to rezone the portion of Cameron Park retained as green space to RE1 – Public Recreation and to reclassify that space as Community Land.
4. Council incorporate this replacement carparking strategy into the future Maclean CBD Carparking Strategy to be prepared following the adoption of the Maclean Riverfront Precinct Plan.

RECOMMENDATION BY COMMITTEE

Simmons/Dinham

That:

1. Council acknowledge that there be no net loss of carparking spaces as a result of the sale of 3,750m² of the Maclean carpark.
2. That replacement carparking spaces be provided utilising the undeveloped rear portion of the Maclean Library site (approx. 21 sites) and a further report be brought back to the October meeting as to satisfying the balance of sites required.
3. A Planning Proposal be prepared in accordance with the Department of Planning guidelines for the rezoning of public land to rezone the existing green area of Cameron Park to RE1 – Public Recreation and to reclassify that space as Community Land.
4. Council incorporate this replacement carparking strategy into the future Maclean CBD Carparking Strategy to be prepared following the adoption of the Maclean Riverfront Precinct Plan.

Voting recorded as follows:

For: Councillors Simmons, Dinham, Williamson

Against: Councillor Toms

**COUNCIL RESOLUTION – 13.167/11
(Crs Simmons/Williamson)**

That

1. Council acknowledge that there be no net loss of carparking spaces as a result of the sale of 3,750m² of the Maclean carpark.
2. That replacement carparking spaces be provided utilising the undeveloped rear portion of the Maclean Library site (approx. 21 sites) and a further report be brought back to the October meeting as to satisfying the balance of sites required and the report also to include recommendations to improve the green space in Cameron Park and the intended action to improve the public toilets in that area.
3. Council incorporate this replacement carparking strategy into the future Maclean CBD Carparking Strategy to be prepared following the adoption of the Maclean Riverfront Precinct Plan.

Voting recorded as follows:

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

**COUNCIL RESOLUTION – 07.020/11
(Crs Williamson/Tiley)**

That

A Planning Proposal be prepared in accordance with the Department of Planning guidelines for the rezoning of public land to rezone the existing green area of Cameron Park to RE1 – Public Recreation and to reclassify that space as Community Land.

Voting recorded as follows:

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

**FORESHADOWED MOTION
(Crs Toms)**

That Council defer a decision until the October meeting

The foreshadowed motion **LAPSED.**

BACKGROUND

Council, at its meeting on 19 July 2011, considered a report on the possible sale of 3,750m² of the Maclean carpark for a future supermarket development and resolved.

COUNCIL RESOLUTION – 13.125/11 (Crs Williamson/Toms)

That:

- a) *The Wakefield Planning report, on the Planning Study of the supermarket site in Maclean, May 2011, be received and noted.*

- b) *Council accepts that there will be a loss of public car parking spaces that will require a car parking replenishment strategy for Maclean Central Business District to be brought back to Council.*
- c) *Council's solicitor be instructed to prepare a contract for the sale of the proposed 3,750 sq m lot, for the attention of IGA.*
- d) *Action be now taken to subdivide the proposed 3,750 sq m site from the Centenary Drive Car Park, as previously identified and reported to the Council, and that action also be now taken to initiate the rezoning of the land to suitable Business zoning.*
- e) *Woolworths Limited, and any other party expressing interest in purchasing the site be advised that the Council has accepted the offer from IGA and is proceeding with that proposed purchaser as provided herein.*
- f) *Council require a Development Application for a supermarket be submitted by IGA within 3 months of the rezoning approval.*

This report addresses point (b) in part, as a full Carparking Strategy for the CBD will need to be informed by the Maclean Riverfront Precinct Plan which is currently under development.

ISSUES

1. Number of Spaces Requiring Replacement

The 3,750m² portion of carparking currently contains 142 spaces. Prior to reconstruction works in 2009 this was 98 spaces. A 2,000m² supermarket requires 67 carparking spaces under the provision of the CVC Development Control Plan – Business Zones.

Under the terms of the draft contract, IGA is required to provide a minimum of 100 parking spaces onsite. Accordingly, 'full' replacement could be defined as any of the following:

- 1.1 Replace like with like: 42 additional spaces required (142 current – 100 IGA provision)
- 1.2 Replace to pre-2009 complement: No additional spaces required (98 pre 2009 - 100 IGA provision)
- 1.3 Replace to pre-2009 plus supermarket requirement: 65 additional spaces required (98 pre-2009 +67 supermarket provision = 165 - 100)
- 1.4 Replace current plus supermarket requirement: 109 additional spaces required (142 current +67 = 209-100)

For purpose of this exercise we will work to the requirements of 1.4 (109 spaces) but keep in mind that 1.3 (65 spaces) could be legitimately considered if Council was of the view that it shouldn't be 'penalised' for spending approximately \$320,000 to provide an additional 90 plus spaces in the carpark, including 44 in the subject portion.

2 Replacement Options

2.1 Privately-Owned sites

A number of opportunities to purchase and develop privately owned sites in the vicinity of the carpark are addressed in the confidential attachment.

2.2 Council Sites

2.2.1 Cameron Park

Council has previously rejected the use of any of the Cameron Park green space in association with retail within the carpark, but the opportunities for such utilisation need to be explored if this investigation is to be thorough. Cameron Park is an L-shaped green spaces of 5,625m² centrally located within the carpark. It consists of two connected components:

- East-west section of approximately 3,380m² containing public toilets, rotunda, playground, seating and land mark mature fig trees.
- North-south section of approximately 2,240m² containing seating and scattered landscaping.

Both are important components of Maclean CBD green space, but the former has greater utility value than the latter. Despite its obvious use as community open space, Cameron Park is zoned Special Uses 5 (a) – Carpark and is classified as operational land.

The north-south section has the potential to provide approximately 82 spaces (see plan in attachments). The concept design allows the size of the carpark in this area to be reduced by limiting the southern extension of the internal access lanes.

The cost of developing this area as a carpark (earthworks, gravel base, asphalt seal, line marking) is estimated at \$95/m² so the 2,240m² required for the 82 spaces would cost approximately \$220,000 or \$2,680 per space.

2.2.2 Maclean Library Site

This site (Lots 1/4 DP 210573, Lots 44/45 DP 13179) has an area of 2,351m². The undeveloped rear section of the site has an area of 660m², capacity for approximately 21 spaces, and an estimated development cost of \$62,700 or \$2,980 per space.

The CV Branch Library Infrastructure Review (2009) concluded that Maclean Library will need increase its floor area by 300m² to meet anticipated population growth over the next 20 years. Extension of the existing building into the undeveloped rear area would be an obvious solution though this could be compromised by the development of this area as a carpark unless the future extension could be built up and over to create a covered carpark.

3. Options

The favoured 'full' replacement target of 109 spaces is not achievable via any single site, so options are complicated by various combinations of solutions. The most cost effective combination is:

North-south section of Cameron Carpark	82
Rear of Library	21
Total	103

Cost Estimate	\$282,700
Cost per space	\$2,770

If Council were to pursue this option it is suggested that significant funding be provided to embellish the remainder of Cameron Park (new toilets, playground, seating etc) and that on-going protection of this area be provided through rezoning to Public Recreation and reclassification to Community Land.

If Council were to consider utilising a significantly smaller section of Cameron Park this could be achieved by:

ORDINARY MEETING

20 SEPTEMBER 2011

Private Site	48 spaces	
Section of Cameron Park	61 spaces	or 40 spaces
Rear of Library	Nil	or 21 spaces
Total	109 spaces	109 spaces

Utilising the rear of the Library would reduce the section of Cameron Park required to approximately 1,100m² (4,525m² retained), whereas not using Library land would result in a reduction to approximately 1,500m² (4,125m² retained).

CONSULTATION

A sale price estimate was sought from the owner of one of the private sites.

SUSTAINABILITY ASSESSMENT

Summary Statement

An important governance responsibility of Council is the utilisation of Council-owned public assets. In this instance a decision is required on the competing sustainability outcomes of the provision of infrastructure at an affordable cost and the protection of high utility value green space.

Ecology

Conversion of any existing green space to carparking will impact on that ecological asset.

Economic

The cost of replacing existing carparking infrastructure is considerably reduced if publicly owned space is utilised.

Social & Cultural

Potential loss of part of a social asset.

Human Habitat & Infrastructure

Potential provision of critical infrastructure in a convenient and affordable location.

Governance

Strategic guidance required from the elected Council.

Risk Management

All costings are estimates at this stage, so risk of increased costs as detailed designs are prepared.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Protecting ecological processes and biodiversity.
- Retaining critical public infrastructure.
- Achieving value for money.

OPTIONS

1. Acknowledge that the number of spaces requiring replacement is between 65 and 109.
2. Utilise 2,240m² of Cameron Park plus the rear of the Maclean Library to construct replacement carparking spaces.

3. Utilise approximately 1,500m² of Cameron Park to construct replacement carparking spaces and negotiate the purchase of privately owned land to accommodate the shortfall in replacement spaces.
4. Utilise approximately 1,100m² of Cameron Park plus the rear of the Maclean Library to construct replacement carparking spaces and negotiate the purchase of privately owned land to accommodate the shortfall in replacement spaces.
5. A Planning Proposal be prepared in accordance with Department of Planning Guidelines for the rezoning of publicly owned land to rezone the portion of Cameron Park retained as green space to Public Recreation and to reclassify that space to Community Land.
6. Incorporate the approved carparking replacement strategy into the future Maclean CBD Carparking Strategy to be prepared following the adoption of the Maclean Riverfront Precinct Plan.

Options 1, 2, 5 and 6 are recommended.

The recommended strategy involves the use of only public land which has cost benefits which in turn need to be weighed against the loss of public green space and potential inconvenience to the future extension of the Maclean Library. This strategy will yield 103 spaces and will protect the remainder of Cameron Park through a Public Recreation zoning.

Adopting Options 1, 3, 5 and 6 will require the purchase of private land which has substantial cost implications but reduces the amount of open space converted to carpark and preserves the rear of Maclean Library.

Adopting Options 1, 4, 5 and 6 will also require the purchase of private land and the use of the rear of the Maclean Library site with the benefit being the use of even less of Cameron Park.

FINANCIAL IMPLICATIONS

The recommended approach has an estimated construction cost of \$220,000, while alternative approaches involving the purchase of private land will have considerably higher cost implications.

Rob Donges
DEPUTY GENERAL MANAGER – CIVIL & CORPORATE

Prepared by:	Rob Donges
Section:	Civil & Corporate
Confidential Attachment:	Carparking Options
Attachment:	Plan