

Rezone part of Centenary Drive Car Park, Maclean, for Supermarket development

Proposal Title : **Rezone part of Centenary Drive Car Park, Maclean, for Supermarket development**

Proposal Summary : **Rezone part of the Centenary Drive Car Park, Maclean, from SP2 Infrastructure to B2 Local Centre in order to facilitate the development of a supermarket on the site.**

PP Number : **PP_2012_CLARE_003_00** Dop File No : **12/08113**

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 : **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**

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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) :	0.38	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	2,000.00	No of Jobs Created :	1,000

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 : **It is expected that the resulting supermarket development will create new jobs, but the number created has not been estimated within the planning proposal.**

External Supporting Notes :

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 :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 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**

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)

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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 for business purposes is consistent with Council's corporate strategic plan, Valley Vision 2020.

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

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 :

An exhibition period of 14 days has been proposed within the planning proposal. Given the level of community interest in this matter over recent years, and the loss of car parking spaces in an area of parking demand, a 28 day exhibition period may be more appropriate. 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'.

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 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 :

The planning proposal is required to allow for the development of land in the centre of Maclean for a supermarket. The need for an additional supermarket in Maclean has been identified within several of Council's strategic planning documents and the subject site is recognised as one of the most suitable locations for such a development.

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The proposed change to the LEP is the most appropriate means of achieving the desired outcome for the proposal. The community benefit of the proposal stems from the fact that the land would provide for additional shopping options and variety for the residents of Maclean within a suitable urban location close to other retail outlets. The development will also create additional employment opportunities within the town.

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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 Lower Clarence Retail Strategy, Local Growth Management Strategy and Operational Strategic Plan. Several SEPPs and S117 Directions are relevant to the proposal. The proposal is consistent with all relevant SEPPs. The proposal is consistent with all s117 Directions, with the exception of 4.3 Flood Prone Land, as outlined below:

SEPPs

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

Clause 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 B2 allows the land to be considered as "related development", which might serve existing and future multi-unit housing. The land is required for the development of a supermarket, which represents the best use of the land considering its location adjacent to other retail premises. 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 sufficient information to determine whether there is a likelihood of contaminated soils on the site. The proposed development involves the removal of surplus soil material to a depth of one metre from the entire site. A preliminary investigation of the land has been undertaken and indicates that the site is considered suitable for its proposed commercial use following the removal of contaminated and surplus soils. 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 particular relevance to the proposal. Matters related to visual impact of the development can be addressed at the development application stage. The proposal is therefore considered to be consistent with the aims and requirements of the SEPP.

Section 117 Directions

1.1 Business and Industrial Zones:

This Direction applies as the land is proposed to be zoned for business purposes (B2). No loss of business or industrial zones or flood space areas is proposed. Rather, the proposal involves an increase in business zoning and floor space in an urban area adjoining existing business uses. The proposal is also in accordance with Council's relevant approved Local Growth Management Strategy. The proposal is therefore consistent with the Direction.

2.2 Coastal Protection:

This Direction applies as the land is located within the coastal zone. No coastal management plan has been prepared which encompasses the site. However, the site is already used for urban development, is within the existing Maclean town centre and is distant from the river. The site is not identified as being at risk from coastal processes, nor would development of the site impact on coastal processes. 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, the land is already developed as a carpark in an urban area and the development is considered unlikely to impact on items, areas, objects or places of heritage significance. The Clarence Valley LEP 2011 contains adequate provisions to facilitate the conservation of any items or objects of heritage significance at the development application stage, should evidence of these be found. 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 B2 to enable the development of a supermarket is consistent with the requirements of the Direction. The development will be located in the town centre alongside other existing business and retail uses. The land has been identified as a suitable place for a supermarket and this is the preferred future use of the land. The proposal is also in accordance with Council's relevant approved Local Growth Management Strategy. The rezoning will prevent the use 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 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. The proposed development represents an intensification of development on the site and will involve soil excavation. A preliminary investigation has identified an area of concern in the eastern portion of the site and has listed options and made recommendations for the treatment and/or removal of affected potential acid sulfate soils in the event that excavation of soils is required in this portion. The Clarence Valley LEP 2011 contains adequate provisions to ensure that the site is properly managed in relation to acid sulfate soils at the development application stage. 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. The proposal involves a change in zoning from special uses (SP2) to business (B2) and the intensification of development on the site. The proposal is therefore inconsistent with the Direction. However, the site is within the developed urban area of Maclean and is considered to be a suitable site for the proposed supermarket development. The proposal is not inconsistent with the Grafton and Lower Clarence Floodplain Risk Management Plan, as that plan allows for the development and redevelopment of flood prone urban land in Maclean with appropriate development controls. The Clarence Valley LEP also contains adequate provisions relating to the development of flood prone land. The inconsistencies with this Direction are therefore considered to be justified.

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 :

No significant environmental impacts are expected from the proposed development, as the land is currently fully developed as a carpark. The development is expected to have positive social and economic impacts for residents arising from increased shopping and employment opportunities within the town. Negative social impacts may arise as a result of the loss of car parking spaces on the land and the need for additional spaces associated with the new supermarket. This issue is recognised by Council and alternative parking

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solutions are being investigated with a view to replacing all lost parking spaces and providing for new parking requirements resulting from the supermarket development.

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

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_Centenary_Drive_Car_Park_Maclean.pdf	Proposal Covering Letter	Yes
Planning_Proposal_Centenary_Drive_Car_Park_Maclean.pdf	Proposal	Yes
Council_Minutes_Centenary_Drive_Car_Park_Maclean.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**
- 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;

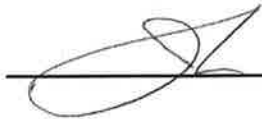
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2. The planning proposal is to be exhibited for a period of 28 days;
3. The planning proposal should be completed within 12 months;
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistency with s117 Direction 4.3 is justified as of minor significance; while the planning proposal is consistent with all other S117 directions; and
5. Consultation be required with the Office of Environment and Heritage in relation to potential acid sulfate soils on the site.

Supporting Reasons :

The planning proposal is consistent or has justified its inconsistency with all relevant SEPPs and S117 Directions and is consistent with the MNC Regional Strategy and Council's operational strategic plan, retail strategy and approved local growth management strategy. The proposal is the result of detailed strategic planning by Council over several years.

Signature:



Printed Name:

JIM CLARK

Date:

11 May 2012