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The General Manager
Clarence Valley Council
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GRAFTON NSW 2460

20 June 2013

RE: PLANNING PROPOSAL – REZONING of LOT 1 DP 345729, 31
CHARLES STREET, ILUKA.

Dear Sir/Madam,

Please find enclosed the following in regard to the above Planning Proposal:

4 copies Planning Proposal

4 copies Attachments A – H

Cheque for \$3108 from P Allgood (Fee as advised by Council 30/04/3013)

Political Donations and Gifts Disclosure Statement

I trust that this is all in order.

I can be reached at the above phone/e-mail

Yours Faithfully



Paddy Dawson

SCANNED

DOC #	_____
DOC LOC	_____
G	24 JUN 2013
CLARENCE VALLEY COUNCIL	

Political Donations and Gifts Disclosure Statement to Council

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Disclosure Statement Details		Planning application reference (e.g. DA number, planning application title or reference, property address or other description)			
Name of person making this disclosure statement PHILLIP ALLGOOD		REZONING OF LOT 1 DP 345729			
Person's interest in the application (circle relevant option below)					
You are the APPLICANT		YES / ☒ NO		OR	
				You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION	
				YES / NO	
Reportable political donations or gifts made by person making this declaration or by other relevant persons					
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NIL					
Please list all reportable political donations and gifts—additional space is provided overleaf if required.					
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.					
Signature(s) and Date P. Allgood 25/5/2013					
Name(s) PHILLIP ALLGOOD					

PLANNING PROPOSAL

**Lot 1 DP 345729
31 Charles Street Iluka**



**Prepared for:
Phillip Allgood**

**Prepared by:
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Huonbrook NSW 2482, ph 0266840182, e-mail paddydawson@internode.on.net**

EXECUTIVE SUMMARY

It is proposed to rezone a 1010 m2 lot located in the central area of Iluka from Zone SP3 Tourist to Zone B2 Local Centre.

The town's CBD – Zone B2 – is fragmented.

The town's sole supermarket, service station, chemist, butcher, delicatessen and bottle shop are situated in two proximate areas. The subject site is situated between these two areas separated by, respectively, a roadway width and a laneway width.

A further, larger area is located a block away. This contains a hairdresser, café, greengrocer, credit union, real estate office, baker, "wellness" centre, Post Office, a veterinary practice, a hairdresser, a real estate office and a hardware store. The majority of this area is not utilised for business purposes and contains houses and a number of defunct/derelict business premises.

The land between the two business centres is predominantly in the zone SP3 Tourist. This contains residential houses with no evident tourism usage.

The subject site was rezoned from Business to Tourist in 1998 despite a submission from the landowner seeking continuance of the business zoning. Since the subject land was zoned for tourism no such development has occurred on the lot.

Interest has recently been expressed for commercial usage of the site and a proposal for same submitted to Clarence Valley Council's Development Management Unit. Council has advised that such a development is prohibited under the current zoning and that for permissibility to apply, a rezoning of the land to Zone B2 is required.

Given the character of the Iluka CBD, the fact of Zone B2 land adjacent to the subject site, the fact that this adjacent land is fully utilised for essential CBD retail services including a substantive expansion of the supermarket, the evident failure of some business enterprises in the larger section of Zone B2 land and the interest in commercial development of the subject site, this Planning Proposal is well founded.

The Planning Proposal promotes Objective 5(a) (ii) of the Environmental Planning and Assessment Act - *the promotion and co-ordination of the orderly and economic use and development of land* - and does not in any way compromise the achievement of the other Objectives of the Act.

TABLE OF CONTENTS

INTRODUCTION

- A The Site
- B The Locality – Zones and Existing Development
- C. Background

1. OBJECTIVES OR INTENDED OUTCOMES

2. EXPLANATION OF PROVISIONS

Amendment to Clarence Valley Local Environmental Plan 2011

3. JUSTIFICATION

- 3.1 Is the planning proposal a result of any strategic study or report?
- 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?
- 3.3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?
- 3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?
- 3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?
- 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?
- 3.7 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?
- 3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed
- 3.9 How has the planning proposal adequately addressed any social and economic effects?
- 3.10 Is there adequate public infrastructure for the planning proposal?
- 3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

3B. JUSTIFICATION - SUMMARY

4. MAPPING

- 4.1 Current Zoning
- 4.2 Proposed Zoning

5. COMMUNITY CONSULTATION

6. PROJECT TIMELINE

MAPS

Immediate Locality Zoning Map p.10

Broader Locality Zoning Map p.11

Existing Zoning Map

Proposed Zoning Map

ATTACHMENTS

A: Deposited Plan 345729

B: Clarence Valley Council Development Management Unit minutes of 5/02/2013

C: Landowner's 1997 objection to proposed Tourist Zoning

D: Submission from Iluka Woombah Real Estate Agent

E: Clarence Valley Local Environmental Plan 2011 Land Use Tables for Zones B2 and SP3

Clarence Valley Local Environmental Plan 2011 Dictionary - Selected Land Use Definitions

F: Submission from adjacent landowner

G: Section 117 Directions Checklist

H: Landowner's Consent

PLATES

Immediate Locality Zoning Map p.6

Broader Locality Zoning Map p.6

Lot 1 DP 345729 (subject site) Young Street frontage p.10

Supermarket/Service Station/Subject Site, Shops (cnr Charles/Young Sts) p.10

Shops (corner Charles/Young Streets) p.11

Derelict business premises (Denne Street) p.11

Existing Zoning Map p.24

Proposed Zoning Map p.24

INTRODUCTION

A. THE SITE

- A photograph of the site is displayed on the cover page to this proposal
- The subject lot is known as Lot 1 DP 345729, 31 Charles Street Iluka
- The site has an area of 1100 m² and is located on the north-eastern corner of Charles and Young Streets.
- The site contains a single storey weatherboard cottage used as a residence and photography workshop and gallery.
- The south-west boundary of 25m fronts Charles Street
The south-east boundary of 40m fronts Young Street.
The north-east boundary of 25m abuts Charles Lane. Land on the other side of the lane contains a service station and a supermarket
The north-west boundary of 40m abuts a residential lot with frontage to Charles Street and to Charles Lane and which contains a single story dwelling house that incorporates a “wellness” centre and opportunity shop.
- Council has advised that the land is situated between the 3.8m and the 5.2m contours (advice from Council see Attachment B p.13)
- The site falls to the south-east and the south-west
- The 1:100 flood level is at 2.4m AHD
- Council’s acid sulfate soils map indicates that the land may contain Class 4 acid sulfate soils

B. THE LOCALITY – ZONES & EXISTING DEVELOPMENT

Relevant zonings are indicated on Immediate Locality Map and Broader Locality Map below.

Zone B2 is coloured in Blue

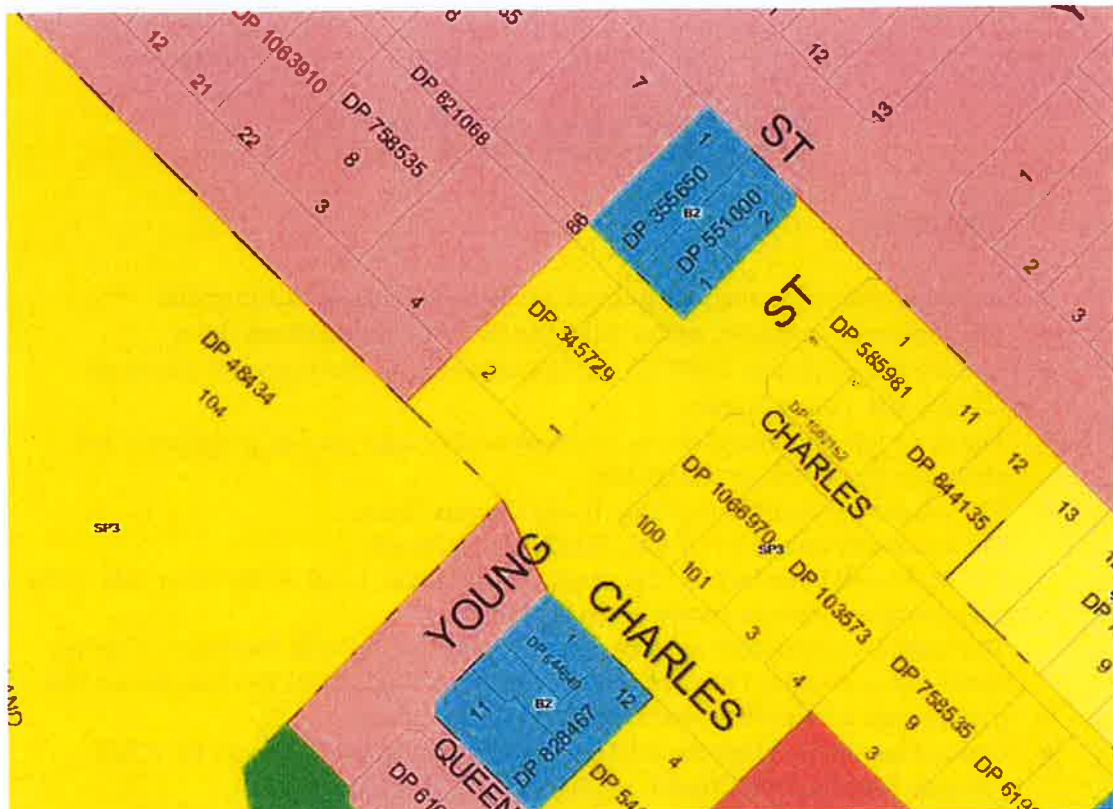
Zone SP3 is coloured in Yellow

Zone SP2 is coloured in Light Yellow

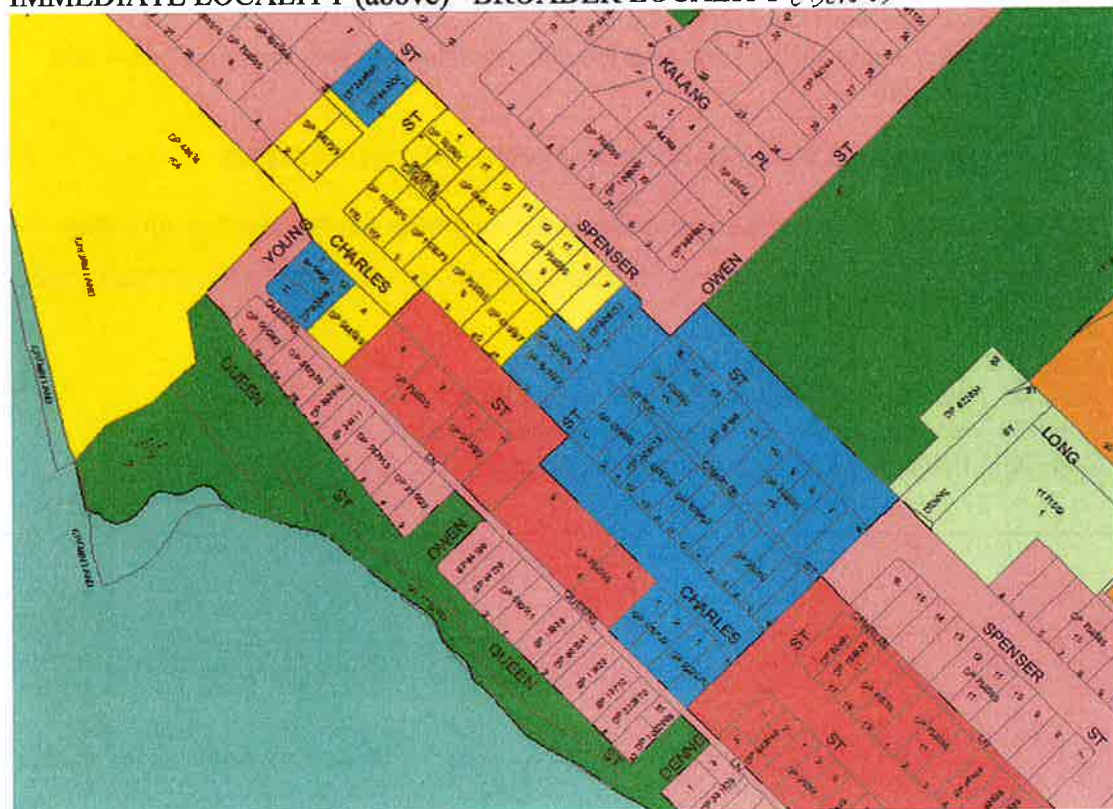
Zone R2 Low Density Residential is coloured in Pink

Zone R3 Medium Density Residential is coloured in Red

Zone RE1 Public Recreation is coloured in Green



IMMEDIATE LOCALITY (above) BROADER LOCALITY (below)



Zone B2 Land

Land that is located in the Zone B2 in Iluka comprises three sections. This land is indicated in blue in the Existing Zoning Map. These areas comprise:

- (a) 3 adjacent lots on the opposite side of the 6m wide Charles Lane at the rear of the subject site comprising 40 & 42 Spenser Street (Lot 1 DP 355650, Lot 2 DP 551000) & 1 Young Street (Lot 1 DP 551000).
These contain a supermarket with expanded premises and parking under construction, and a service station (Lot 2 DP 551000). These are the town's only supermarket and service station.
- (b) 3 adjacent lots on the diagonally opposite corner to the subject site comprising 4 – 6 Young Street (corner Charles Street) (Lot 1 DP 544649, Lots 11/12 DP828467).
These contain a retail complex containing butcher, baker, chemist, delicatessen and bottle shop. The butcher, chemist, bottle shop and delicatessen are the only such outlets in the town.
- (c) 32 lots which form a continuous section of land in the Zone B2 and which comprise:
 - (i) 4 adjacent lots that have frontage to Owen Street between Charles and Spenser Streets.
These contain a real estate office, a bait shop, a dwelling house and two vacant lots.
 - (ii) 4 adjacent lots on the south-western side of Charles Street on, or close to, the corner of Charles and Denne Streets.
These contain the Post Office, a veterinary practice, a hairdresser, a real estate office and a hardware outlet.
 - (iii) 24 adjacent lots that comprise the block bounded by Charles, Owen, Spenser and Denne Streets.
 - (a) The Charles Street frontage contains a hairdresser, café, greengrocer, credit union, real estate office, baker, "wellness" centre and 5 cottages.
 - (b) The Denne Street frontage contains a building with three derelict shops and a house advertising holiday rental.
 - (c) The Spenser Street frontage has no commercial/retail/business usage and contains dwelling houses, a building that contains a failed restaurant and a small building that contains a derelict shop.
 - (d) The Owen Street frontage contains the Iluka Motel.

The Iluka CBD, in respect to zoning and to local centre type development, is fragmented and has historically been so.

It comprises two distinct localities – comprising the commercial activities located in close proximity to the subject site (see areas (a) and (b) above) and the commercial/retail and other activities located in the areas comprising area (c) above.

Each locality contains businesses commonly regarded as defining of a business centre – e.g. supermarket, chemist, butcher in the areas (a) and (b), and post office, credit union and hardware in area (c).

Further fragmentation is generated by the location of the town's pub and the town's newsagency which are situated on Zone SP3 land (corner Queen/Crown Streets and corner Crown/Charles Streets respectively) at some distance from the above areas

Zone SP3 Land

Land that is located in the Zone SP3 in Iluka is indicated in yellow in the Existing Zoning Map and consists of three distinct areas as follows:

- (a) 16 lots located in a continuous section of land in the Zone SP3 and which comprise:
 - (i) The subject site and the adjacent north-western lot,
These contain single storey dwelling-houses that are used as a residence/photography studio and gallery (subject site) and as a residence and a "wellness" centre.
 - (ii) 3 lots from the corner of Charles/Spenser Streets on south-western side of Spenser Street.
These contain dwelling-houses, a residential flat building and one lot is vacant
 - (iii) 2 lots on Charles Lane from the corner Young Street and Charles Lane
These contain dwelling-houses
 - (iv) 7 lots from the corner of Charles/Young Streets on north-eastern side of Charles Street.
These contain residential dwelling houses and two small shops – gifts and clothes.
 - (v) 1 lot on the south-western side of Charles Street between land in the Zone B2 and the Zone R3
This lot is vacant
 - (vi) Large lot Charles Street, south-western side from Young Street corner
This lot contains a Caravan Park

A further, smaller area of land in the Zone SP3 is located 2 blocks to the north-west and separated from the subject site by residential land, and a further, larger area of land in the

Zone SP3 is located 3 blocks to the south-east and separated from the subject site by the business area (c)(iii) specified above and by residential land.

No signage or other indications of the availability of holiday/tourist use of the lands in area (a) above are evident.

Zone SP2 Land

Land in the Zone SP3 in the vicinity of the subject site is indicated on the Existing Zoning Map by the colour light yellow and comprises:

5 lots on the south-eastern side of Spenser Street situated between land in the Zone SP3 and land in the Zone B2.

C. BACKGROUND

The subject land has been in the possession of the current landowner's family since the 1950's.

In 1997 the land had a 3(a) Commercial zoning under the Maclean Local Environmental Plan. At that time Maclean Council prepared a draft amendment to rezone the land to 2(b) Residential Medium Density. The landowner submitted an objection to the proposed rezoning arguing that it should maintain its commercial zoning.

This objection is included in this proposal as Attachment C

Council ultimately resolved to rezone the subject site and the adjacent lot from Commercial to Tourism.

The tourist zone – SP3 - has been maintained in the Clarence Valley LEP 2011.

The landowner wishes to sell the land.

There is current interest in the development of the subject site for retail/commercial/business premises. Such was the subject of the Clarence Valley Council's 5/02/2013 meeting of the Development Management Unit. This meeting concerned a proposed seven unit retail and business complex on the site. Council advised that this use is prohibited under the current zoning and advised as to the requirements for a planning proposal that would seek to make such usage permissible. The Council record of the Development Management Unit minutes is attached as Appendix B.

This interest is also the subject of a submission by the Licensee of the Iluka Woombah Real Estate (see Attachment D.)

Lot 1 DP 345729 (subject site) Young Street frontage



Supermarket/Service Station (right), Subject Site (adjacent), Shops (left, cnr Charles/Young Sts)



Shops (corner Young/Charles Streets)



Derelict business premises (Denne Street)



1. OBJECTIVES OR INTENDED OUTCOMES

The intended outcome is to make permissible the use of the subject site for land use types specified as permissible with consent in the Clarence Valley LEP 2011 Land Use Table for the Zone B2. These include *business premises, commercial premises, medical centre, retail premises, shop* [The Land Use Table is contained in Attachment E]

It is relevantly noted that the proposed rezoning would not affect the status quo in regard to the permissibility of *tourist and visitor accommodation* as this land use is permissible with consent in the current SP3 Zone and in the proposed B2 Zone..

[Selected land use definitions from the Clarence Valley LEP 2011 Dictionary are included in Attachment E]

2. EXPLANATION OF PROVISIONS

It is proposed that the Intended Outcome be achieved by amending the Clarence Valley Local Environmental Plan 2011 to rezone of Lot 1 DP 345729 from Zone SP3 Tourist to Zone B2 Local Centre.

It is proposed that the rezoning be in accordance with the The Proposed Rezoning Map in section 4 of this report (p.24)

This outcome will be achieved by listing the additional amending map in the list of amending maps in the "Land Zoning Map" as specified in clause 2.2 of the Clarence Valley Local Environmental Plan 2011

It is noted that this proposed mechanism accords with advice from Clarence Valley Council in the context of Council's Development Management Unit's consideration of a proposed retail/commercial development on the subject site. The advice states: The applicant would be required to lodge a Planning Proposal for the rezoning of the site with details to justify the changing of the zoning from SP3 Tourist to B2 Local Centre [Attachment B page 3]

3. JUSTIFICATION

3.1 Is the planning proposal a result of any strategic study or report?

No.

It is however noted that the Clarence Valley LEP 2011 can be regarded as the result of comprehensive strategic considerations.

Of particular relevance are the terms of the Land Use Table as they apply to the Zone B2 and Zone SP3 Objectives

The Zone B2 Objectives include:

- *To reinforce and support the central business districts of Maclean, Iluka and Yamba as the commercial centres for these towns.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The Zone SP3 Objectives include:

- *To enable retail and business premises that complement tourism-based development without eroding the retail hierarchy of the area.*

[The full Clarence Valley LEP Land Use Tables for the Zones B2 and SP3 are provided in Attachment E.]

It is noted that, given the character of the locality as described in section B of the Introduction to this planning proposal, the proposed rezoning would not generate a conflict between future development of the subject site and the Zone B2 Objectives.

Further, the proposed rezoning would not affect the status quo in regard to the permissibility of *tourist and visitor accommodation* as this land use is permissible with consent in the current SP3 Zone and in the proposed B2 Zone..

That is, the proposed rezoning would not preclude the use of the site for a core tourist purpose.

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

The planning proposal is the most suitable means of achieving the objectives and/or intended outcome.

3.3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The applicable strategy is the Mid North Coast Regional Strategy 2009

The Strategy includes as a Main Economic Challenge: *to support the creation of additional service jobs by supplying adequate and well located commercial and industrial floor space within centers* [Strategy p.8]

The Strategy recommends in Actions for Employment in Centres: *Local environmental plans (and other planning provisions) will facilitate employment growth in the major regional centres and major towns, as well as facilitate appropriate local jobs in towns and villages and recognize appropriate home-based employment opportunities* [Strategy p.26]

This Planning Proposal will result in the opening of suitable land for economic investment which would not otherwise occur and which investment will contribute to the strength of the Iluka CBD and without generating land use conflict.

The Planning Proposal is fully consistent with the Mid North Coast Regional Strategy 2009.

3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Council has advised [see Attachment B p.12] that while there is no relevant local strategy, consideration may be made of the Lower Clarence Retail Strategy 2007, the Clarence Valley Economic Strategic Plan and Valley Vision 2020.

Lower Clarence Retail Strategy 2007 (adopted 19 June 2007)

This strategy specifies 9 settlement areas as main future growth areas, however the strategy explicitly places emphasis on retail expansion in Maclean and the quantitative data provided relates to the Maclean retail centre.

The Strategy states:

The Lower Clarence's retail development in the next 10 years should be carried out within the following regional retail centres hierarchy, with the retail development strategy consolidating the role of the Maclean Town Centre in the short-term:

Maclean – District Centre;

Yamba – Town;

• Townsend – Village;

• Gulmarrad – Village; and

• Iluka – Village. P/53

The Strategy contains a SWAT analysis that identifies *Unsustainable retail development in Iluka* as one of a range of threats to the growth of the Maclean retail centre.

The Strategy nominates a number of strategic goals which include

Allow for minor expansion of the Iluka retail sector through improved concentration of retail services and provision of convenience-based retailing. [Strategy p.54]

The proposed rezoning is consistent with the Strategy for the following reasons

The proposed rezoning will not generate unsustainable retail development. This is because of the attractive commercial character and location of the subject site. This contrasts with the character and location of existing Zone B2 lands situated to the north-east of the subject site. These latter lands are significantly under-utilised for commercial purposes and contain a number of failed/derelict business sites. That is, while unsustainable development has occurred in the Zone B2 area (c) as specified above in section B of the Introduction the proposed rezoning will, in a practical sense, create a sustainable commercial opportunity.

The opportunity that such rezoning would present would serve to encourage investment otherwise not forthcoming to the benefit and sustainability of the business centre overall.

The modest scale of the land proposed for rezoning has the consequence that no threat to the functioning of the Maclean business centre can reasonably be anticipated if the proposed rezoning goes ahead.

Clarence Valley Economic Development Strategy 2006

Strategy D2 of this Strategy provides for the following action:

Undertake strategic planning studies to inform the development of a single LEP for the Clarence Valley. Studies are to ensure that there is integration of the competitive advantages of the Clarence Valley within Council forward planning processes.

1. Undertake strategic plans

2. Use the strategic planning studies to inform the LEP

3. Introduce a integrated LEP for the entire Council area

The relationship of this planning proposal to the Clarence Valley LEP 2011 is discussed above in comments in relation to section 3.1 of this report.

Valley Vision 2010

This document provides as Aims in regard to Economy as follows:

Our intention is for our community well-being and prosperity to be supported by economic activity involving meaningful paid and voluntary works, clean green industry and business, and aware consumers that use water, energy and other resources wisely
[Valley Vision p.30]

Elements of future development that relate to these matters will be adequately addressed through the development control process which will apply to specific development on the site

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes.

The proposed rezoning is consistent with applicable State Environmental Planning Policies.

3.5.1 State Environmental Planning Policy No 22—Shops and Commercial Premises

The proposed rezoning does not contravene any provisions of SEPP No. 22

3.5.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part V of the SEPP relates to Commercial development and addresses alterations to premises and changes of use for premises that are being used for commercial purposes. The proposed rezoning is not affected by these provisions.

3.5.3 State Environmental Planning Policy No 71—Coastal Protection

The proposed rezoning is, of itself, consistent with Clause 2 – Aims and Clause 8 – Matters for Consideration of the SEPP. More detailed assessment may be undertaken during the development control process.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Relevant Directions are as follows:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Attachment G provides a checklist and comment in regard to s117 Directions that are to be considered in relation to a planning proposal, with the exception of Direction 4.3 which is discussed below.

s117 Direction - 4.3 Flood Prone Land.

Background

The Iluka Floodplain Risk Management Plan March 2007 [IFRMP states that: *It is common practice throughout NSW to use a FPL of the 100y ARI event plus a 0.5 m freeboard. At Iluka this would be a FPL of 2.9 mAHD (2.4 mAHD flood level plus 0.5 m freeboard).* Council has advised that the site contours are between 3.8m and 5.2m approximately [Appendix B p.13] and has confirmed that the 1% flood level is 2.4m AHD.

S117 – 4.3 provisions

- (1) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
- (2) *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
- (3) *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - (a) *permit development in floodway areas,*
 - (b) *permit development that will result in significant flood impacts to other properties,*
 - (c) *permit a significant increase in the development of that land,*
 - (d) *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
 - (e) *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

- (4) *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- (5) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- (9) *A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:*
- (a) *the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

Proposal

It is proposed to rezone land in a Special Purpose Zone to a Business Zone and is therefore inconsistent with clause 2.

Justification for proposal

The proposed rezoning is in accordance with clauses 9(a) and (b) of the Direction:

- The planning proposal is in accordance with Iluka Floodplain Risk Management Plan March 2007 [IFRMP]

The Summary to the Iluka Floodplain Risk Management Plan March 2007 [IFRMP] states:

At Iluka there is only a limited flood history as flooding has not caused the devastating damage that has occurred elsewhere on the floodplain upstream. The last significant flood was in March 2001 which did not cause any damage to the town. [IFRMP p.i]

Section 2.4 of the IFRMP addresses *Development Control Planning & Flood Planning Levels* and provides that:

The strategic assessment of flood risk can prevent development occurring in areas with a high hazard and/or with the potential to have significant impacts upon flood behaviour in

other areas. It can also reduce the potential damage to new developments likely to be affected by flooding to acceptable levels. Development control planning includes both zoning and development controls. The division of flood prone land into appropriate land use zones can be an effective and long term means of limiting danger to personal safety and flood damage to future developments. Zoning of flood prone land should be based on an objective assessment of land suitability and capability, flood risk, environmental and other factors. In many cases it is possible to develop flood prone lands without resulting in undue risk to life and property.

This section specifies a range of issues that *need to be addressed when considering flood related development control policies* [IFRMP p.23-4]

These issues with comments are as follows:

Ensure Adequate Access: The Plan states: *This issue needs to be addressed to ensure safe evacuation to high ground is possible in times of flood. Due to the nature of the terrain at Iluka this is unlikely to be a significant constraint* [IFRMP p.24]

Fill (or excavation) in the Floodplain: No fill/excavation is proposed or necessitated by this planning proposal

Building Materials:/Structural Soundness when Inundated/Fencing: These can be addressed at development control stage.

Public Assets: No public assets are put at risk by the planning proposal

Flood Planning Levels: The IFRMP states that: *It is common practice throughout NSW to use a FPL of the 100y ARI event plus a 0.5 m freeboard. At Iluka this would be a FPL of 2.9 mAHd (2.4 mAHd flood level plus 0.5 m freeboard).* Council has advised [Appendix B p.13] that the site contours are between 3.8m and 5.2m approximately.

- The inconsistency is of a minor significance having regard to the IFRMP, to the small area of land involved, to the fact that the current and the proposed zonings would likely encompass similar scale/intensity of development on the site and to the proximity of the proposed zoning land with like zoning.

The proposed rezoning is also in accordance with the other provisions of the Direction:

- The planning proposal will not, of itself, permit development that will result in significant flood impacts to other properties. Future development will be subject to the provisions of the Clarence Valley LEP 2011 which contains provisions to control floodplain development such that there will not be adverse impacts from future development of the land, or impacts discernibly different to those that may be anticipated under development that is permissible under the current zoning

3.7 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?

No.

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

No.

In the event that likely environmental effects are anticipated from any particular future development, these can be adequately managed by Council's development controls

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

Yes. The planning proposal is predicated on enabling economic investment for commercial type activities in a part of the Iluka characterised by such activities, while maintaining the permissibility of the core tourist development of *tourist and visitor accommodation*. As such, the proposal will have a positive social and economic effect.

3.10 Is there adequate public infrastructure for the planning proposal?

Sewage Management

Reticulated sewage collection is currently being installed in Iluka and is anticipated that this will service the subject site around June 2013

Parking

On-site parking provision will be a matter for consideration at development consent stage. However, safe adjacent street parking has been maximised with 34 marked angle parking spaces in the section of Young Street between Charles and Spenser Streets and further such parking in Charles Street.

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

No public authorities have been consulted in regard to this planning proposal.

3A. JUSTIFICATION SUMMARY

The justification for the planning proposal can be summarised having regard to the following circumstances and considerations:

The Iluka central business district, as defined by land in the Zone B2, is fragmented.

The two sections that comprises the 3 lots on the opposite side of Charles Lane at the rear of the subject site and the 3 lots on the diagonally opposite corner to the subject site are fully utilised for retail purposes. They contain the town's sole supermarket, service station, butcher, chemist, bottle shop and delicatessens. One of the town's two bakeries is also located in this area. The supermarket is currently undergoing a substantive expansion.

The larger section situated one block to the north-east contains 2 real estate offices, a bait shop, Post Office, veterinary practice, hairdresser, hardware outlet, hairdresser, café, greengrocer, credit union, baker and a "wellness" centre. The majority of land in this section of Zone B2 land is not utilised for retail/business purposes and includes many dwellings and lots which contain failed/derelict business premises.

That is, the existing Zone B2 land that is located close to the subject site is fully utilised whereas the Zone B2 land situated to the north-east is significantly under-utilised for commercial purposes.

Given this circumstance, it is evident that this fragmentation is set to continue. The zoning has been in place for many years over which time businesses have failed in the larger Zone B2. Conversely, the Zone B2 land that is located close to the subject site is flourishing as a commercial area, the main business therein is expanding and it contains the greater concentration of retail premises that are fundamental to the operation of a central business district. There is demonstrated interest in investment for commercial development on the subject site. If such investment eventuates, the fragmentation of the business area would generally diminish as the subject site would form a connectivity between the existing Zone B2 sections to the north-west and the south-east of the subject site.

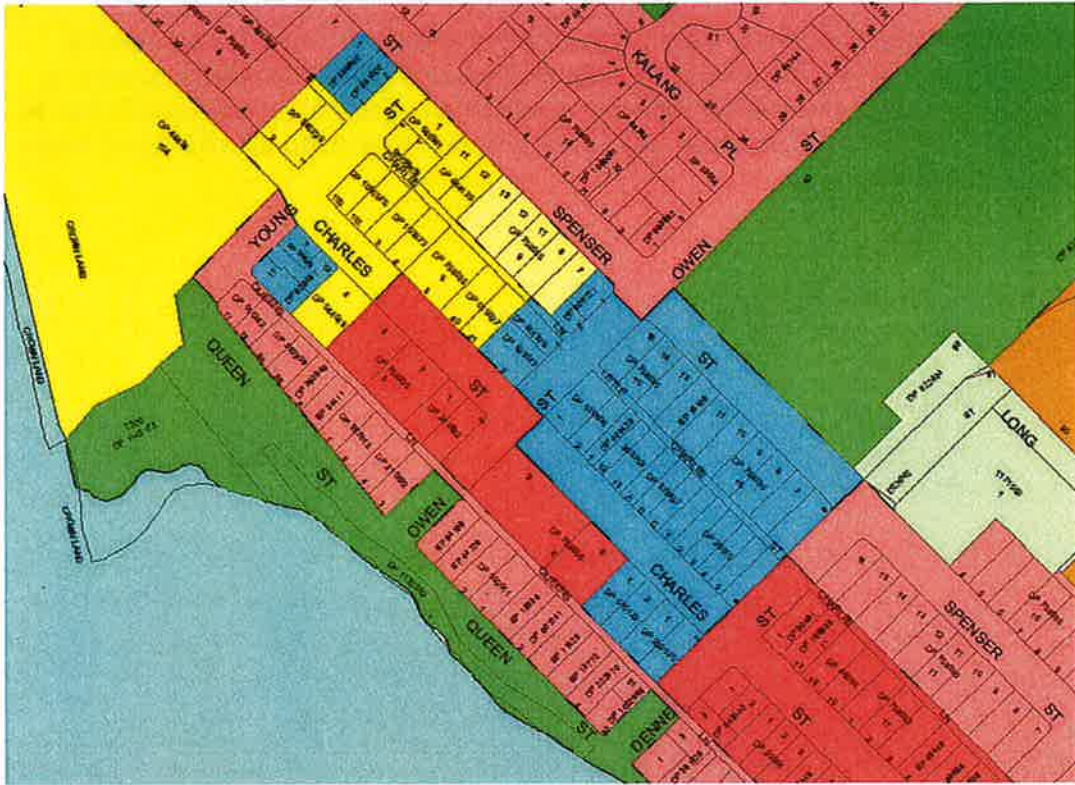
The loss of the subject site to the Zone SP3 is not consequential given that no such development has been proposed on the subject site since its tourist zoning in 1998, given the availability of Zone SP3 land in Iluka, including in the immediate vicinity of the subject site, and given the overwhelming failure for this land to be utilised for tourism purposes. In any event, a Zone B2 zoning for the subject site would maintain the permissibility of "Tourist and Visitor Accommodation" on the site as is currently the case under the Zone SP3.

The proposed rezoning would result in the lot that is adjacent to the subject site to the south-west becoming a separated lot in the Zone SP3. However, it and the subject lot are currently separated lots in the Zone SP3 and both currently contain commercial operations. The proposed rezoning does not substantively affect this circumstance. Appendix F contains a letter from the adjacent landowner advising of no objections to the proposed rezoning.

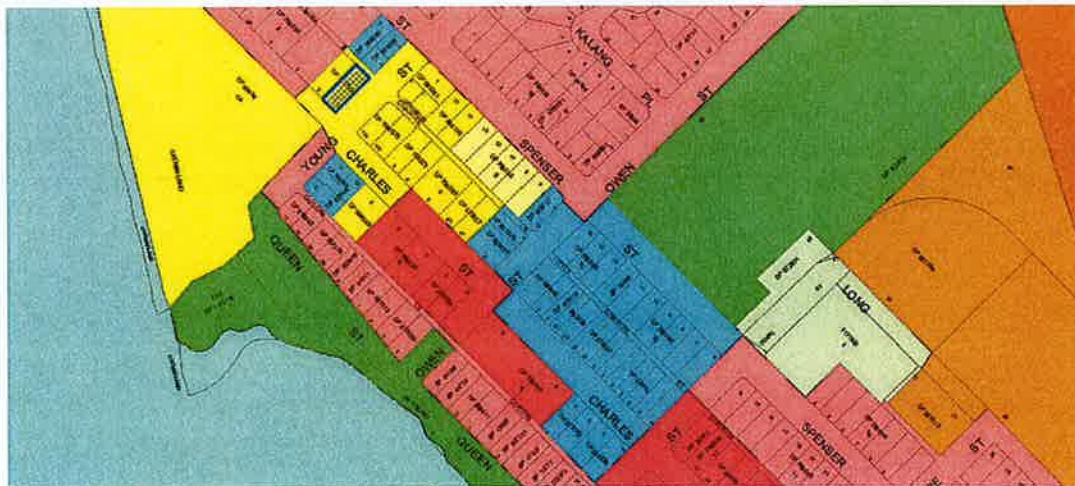
The current interest in the purchase of the subject site for investment for commercial development provides focus to the existing zoning/existing development circumstance. The viability of the Iluka business district would be enhanced by making permissible the commercial development of the subject site with no detriment to the viability of future tourism use in the town.

4. MAPPING

EXISTING ZONING MAP



PROPOSED ZONING MAP –Subject site indicated by blue hatching



5. COMMUNITY CONSULTATION

The scale and significance of the planning proposal are limited and no consultation with the general community has been undertaken.

The community member to whom the planning proposal can reasonably be taken to be of significant interest is the owner of the immediately adjacent land in the Zone SP3.

Attachment F contains a copy of a letter from this landowner specifying no objections to the proposed rezoning.

A submission from a local real estate agent with particular familiarity with the subject site and the Iluka CBD is included as Attachment D.

Specific community consultation can be appropriately and adequately undertaken in accordance with requirements imposed under sections 55 & 56 of the EPA Act.

6. PROJECT TIMELINE

Clarence Valley Council has advised that: *...Council will not request an applicant to nominate a project timeline when it formally submits a draft planning proposal to Council with a view to requesting that Council support the planning proposal*

[Attachment B p. 14]

ATTACHMENT A

DEPOSITED PLAN 345729

Planning Proposal
Lot 1 DP 345729
31 Charles St Iluka
June 2013

D75607

FP345729

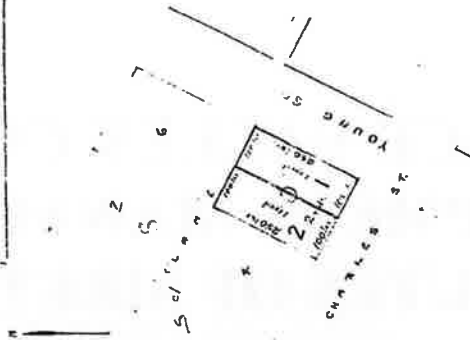
SKETCH PLAN

of proposed subdivision
 of
 Allotment 5 of Section 8, ILIOKA

Parish NANBOAI

County CLARENCE

Misc. Plan of Subdn. (R.P.)
 Regd. No. 45729



Subdivision approved and covered
 by Council Clerk's certificate.)

No. 5. of 1941.
Am. Co. 1941

The Shire Clerk, Council of the
 Shire of Harwood, Macleay.

AMENDMENTS AND/OR ADDITIONS MADE ON
 PLAN IN THE LAND TITLES OFFICE.

This negative is a photograph made as a permanent
 record of a document in the custody of the
 Registrar General this day. 22nd January, 1987



CONVERSION TABLE ADDED IN
 DEPARTMENT OF LANDS

DP 345729

LINKS	METRES
100	28.117
250	58.292
AC RD P	50 M
- 1 -	1012
- 2 -	2023

ATTACHMENT B

CLARENCE VALLEY COUNCIL DEVELOPMENT MANAGEMENT UNIT MINUTES OF MEETING OF 5 FEBRUARY 2013

OWEN ST }
DENNE ST. } SPENCER ST

clarence
VALLEY COUNCIL

Tuesday, 5 March 2013

Reference: 1019162
Contact: Clem Rhoden: DB

E Cochran
PO Box 50
ILUKA NSW 2466

Development Management Unit Deputation

DMU Number: DMU2013/0007

Development Proposal: Small shopping complex (rezoning)

Property Address: 31 Charles Street ILUKA NSW 2466

Legal Description: Lot 1 DP 345729

Attached is a meeting record of your deputation on 5 February 2013 to Council's Development Management Unit.

If you believe any aspect of these Minutes is incorrect or any matter discussed has not been included, please advise Council in writing.

Note that where development is permissible with consent this does not necessarily mean that a development application will be approved. As outlined at the DMU Meeting, there is a range of information which you will need to submit with your application. Council will assess any application under the requirements of the Environmental Planning and Assessment Act 1979. As a result of that assessment a determination of the application will be made which could be:

- Approval;
- Approval with conditions; or
- Refusal.

If you require further information please contact Clem Rhoden of Council's Environmental and Economic Services on (02) 66450297.

Yours faithfully



Clem Rhoden
Manager Development Services

Development Management Unit Meeting Minutes

Date: 5 February 2013

Time: 10am

Applicant: E Cochran

Present: Applicant:
Earl Cochran

Council:
Clem Rhoden (Manager Development Services)
Jim Spencer (Manager Civil Strategic)
Kerry Harre (Building Services Coordinator)
Scott Lenton (Environmental Planning Coordinator)

Property Address: 31 Charles Street ILUKA NSW 2466

Legal Description: Lot 1 DP 345729

Zoning: SP3 Tourist [Clarence Valley LEP 2011]

Development Small shopping complex (rezoning)

Proposal:

File:

Receipt No: 568934

Important Note:

These minutes are the professional opinion of the Council Officers attending this meeting, in specific reference to this site, and the proposal and plans presented at this meeting only. A site inspection has not been undertaken, and as such, site and locality specific constraints may exist that could affect the development potential of the allotment as discussed herein.

Should an application require notification and/or advertising, any submission received must be given due consideration and may alter what is/is not considered acceptable.

Should an application require referral to a Council meeting for determination, the professional opinions expressed in these minutes may/may not be supported by Council.

In the event that Council policy or a relevant DCP is amended, or the proposal or plans changed by the client, the professional opinions expressed in these minutes may no longer be applicable. In these circumstances, the client is advised to seek current advice from Council.

Proposal:

The proposal is for a seven unit retail and business shopping complex on the site of an existing building used as a photographic gallery.

The proposed development fits into the definitions of **commercial premises**, and more specifically, **business premises** and **retail premises** under the Clarence Valley LEP 2011. These definitions are as follows:

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

Planning Considerations (including advice on preparing a planning proposal to support a request to rezone the land):

Permissible: No (not the full development as submitted to the DMU meeting)

The current SP3 Tourist zone prohibits the type of commercial premises development proposed. Despite that, clause 5.3 of the Clarence Valley LEP 2011 provides an ability for Council to consider such development on part of the land (refer to additional comment later in these minutes).

The applicant would be required to lodge a Planning Proposal for the rezoning of the site with details to justify the changing of the zoning from SP3 Tourist to B2 Local

Centre (or similar). More details are provided in 'Planning Proposal advice' hereunder. A concept plan of the proposed development should be provided with the Planning Proposal.

Planning Proposal advice

The proposal would be broadly defined as **commercial premises** as defined in the Clarence Valley LEP 2011 (refer to advice under 'Proposal' earlier). This use is prohibited within the SP3 Tourist zone.

An amendment to the LEP is therefore necessary to make the proposed development permissible across the whole site. Any request to Council to support an amendment to the LEP will need to be accompanied by a draft planning proposal that has been prepared in accordance with the Department of Planning and Infrastructure's "A guide to preparing planning proposals", October 2012 (Planning Proposal guidelines). An electronic copy of this Guide can be found on the Department of Planning and Infrastructure's website at <http://www.planning.nsw.gov.au/LocalPlanning/GatewayProcess/tabid/291/language/en-AU/Default.aspx>.

Attached to these minutes is a summarised version of the key planning proposal guideline requirements and identification of issues relevant your client's proposal at 31 Charles Street, Iluka – see Attachment 1.

As indicated at the meeting it will be necessary for you to give particular thought as to how you would like to see the LEP amended i.e.:

1. change zoning of land from SP3 Tourist to B2 Local Centre (or another nominated B-type zoning), or
2. insert the proposed use as an "additional permitted use" on the subject land into Schedule 1 of the LEP. [NOTE: At this time the NSW Department of Infrastructure and Planning does not seem keen on the use of Schedule 1 in amending an LEP but this has not been fully tested under the new rezoning and standard instrument framework as yet].

Knowing how you would like to see the LEP amended will help you express the "explanation of provisions" in Part 2 of the planning proposal – refer to section 2.2, page 9 of the guidelines.

It will be necessary to provide adequate justification of the proposal at this site, ie both the proposed creation of additional B2 zoned land as well as justification for the equivalent loss of SP3 Tourist zoned land and associated opportunities to develop tourist-related development in Iluka. Existing B2 zoned land in Iluka is not well utilised (in a commercial capacity) and some is vacant. Hence, the need for additional B2 zoned land needs to be well demonstrated in that context. Refer in particular to section 2.3(a) pages 11 – 15 of the Guide and Attachment 1 to these minutes. It may be difficult to provide strategic justification – some of the required strategic justification matters have been alluded to in Attachment 1.

The Minister's section 117 Directions that are considered to be particularly relevant in this case are listed in Attachment 1.

All section 117 Directions and State Environmental Planning Policies should at least be acknowledged as relevant or applicable (or not applicable, as the case maybe). A statement of consistency needs to be made in the case of all relevant and applicable policies. All relevant strategies (regional and local) also need to be acknowledged and where applicable assessed as consistent. A detailed assessment of consistency of the proposal with the various policies, directions and strategies can be provided by means of Appendices (eg checklist or table) to the main planning proposal document so that the main body of the document does not become cluttered with voluminous detail.

How much information should be in the planning proposal?

Apart from the matters specified by section 55 (2) of the Act and outlined in section 2 of the Planning Proposal guidelines there is very little explicit guidance on the amount and level of information that should be contained in a planning proposal. Sections 1.3, 1.4 and Attachment 1 of the planning proposal guidelines provide limited guidance in relation to amount and level of information (as well as detail and complexity) that should accompany a planning proposal. Further guidance is provided in Attachment 1.

If the Planning Proposal is approved the proposal would then be subject to consideration of a Development Application and Construction Certificate. Quotes in relation to costs for submitted Development Applications and Construction Certificates can be obtained by contacting Council's Customer Service Section on: (02) 66430200.

Potential Use of Clause 5.3 of the Clarence Valley LEP

The applicant was advised that a development application could be submitted under Clause 5.3 of the LEP requesting consideration by Council for the proposed development of the section of land fronting Young St and Charles Lane for part of the proposed commercial development. This clause only applies to that part of the subject land that is within 20 metres of the adjoining B2 zone boundary. In this case, the B2 boundary is located along the south-west side of Lot 1 DP 551000 and hence, the distance to which clause 5.3 applies to the land subject to this DMU advice is approximately 14 metres from the common boundary with Charles Lane (see note 1 after Parking Requirements; Lane widening dedication is required which reduces the available land under clause 5.3 of the LEP to 12.5m).

Clause 5.3 states,

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- (3) *This clause does not apply to:*
 - (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*

- (b) *land within the coastal zone, or*
- (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
 - (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *This clause does not prescribe a development standard that may be varied under this Plan.*

The Applicant would need to provide supporting information with any development application seeking Councils consideration under clause 5.3 to satisfy Council as to the matters specified in subclause (4) above.

Use of existing building premises for business purposes .

Another option which could be used to enable limited business use of the existing building (subject to submission of a development application) on the subject land is to seek approval as a *home business* or *home occupation*. At the DMU meeting it was suggested by the Applicant that one possible use of that premises would be a real estate office.

A *home business* is defined in the Clarence Valley LEP 2011 as:

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

NOTE: Clause 5.4 of the LEP limits the floor area used for the purposes of a home business to no more than 50 square metres.

A *home occupation* is defined in the Clarence Valley LEP 2011 as:

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

DCPs Applicable: @www.clarence.nsw.gov.au

Clarence Valley Council DCP – Development in Environment Protection, Open Spaces and Special Use Zones

Section 94 Contributions: Would apply to any development application lodged and would be based on the capital investment value of the development based on the following table:

Clarence Valley Contributions Plan 2011 Section 94A Levy Rates for Development Other Than Residential Accommodation.

Development Type*	Levy Rate	GL S94ACVCOthResAcco
Proposed cost of carrying out the development is up to and including \$100,000	Nil	Nil
Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000	\$ (Value of Development) x 0.005 = \$	
Proposed cost of carrying out the development is more than More than \$200,000	\$ (Value of Development) x 0.01 = \$	

Engineering Requirements:

Headwork Charges:

Headwork charges for water and sewer would be applicable in accordance with section 64 of the Local Government Act (Section 306 of the Water Management Act). The section 64 charges are listed in Council's fees and charges and currently are:

Sewer \$9732 per ET
Water \$4866 per ET

These contributions are assessed every 12 months and are subject to change.

An "equivalent tenement" or ET is considered to be the demand or loading a development will have on infrastructure in terms of the water consumption or the sewage discharge for an average residential dwelling or house.

The headworks charges for the proposal presented at this DMU are dependent on the area and use of each element of the development. Details will be required to calculate the headworks charges. For shops and offices the headworks charge for both water and sewer is 1 ET per 190 m².

Details of the existing development including uses of each part of the development will be required to calculate the existing ET credit. A former dwelling was paying the Sewer Residential Investigation fee which would give the property a minimum of 1 ET credit each for water and sewer. The credit can be used to offset the headworks charges that may be applicable to the proposal presented at this DMU.

Parking Requirements:

All parking for the development must be provided on site, i.e. Parking on the street cannot be counted toward the required parking.

Parking requirements are 1 per 30m² of floor area. Manoeuvring areas must be provided to enable vehicles to enter and leave in a forward direction.

Note:

1. Dedication of land is required for lane widening (1.5m) which reduces potential to apply cl 5.3 to 12.5m.
2. Plans tabled at the DMU meeting showed a parking layout with 90° angle parking spaces accessing directly off Charles Lane. To comply with Council's access requirements a single driveway crossing for access to the car parking area would be required. This requirement will necessitate redesign of the car parking area.

Stormwater Management:

A storm water management plan would be required with the development application but not required for the planning proposal.

Health and Building Requirements:

General comments from Kerry

Building Class - 8 (factory) and 5 (office)

Rise in Storeys - 1

Type of Construction Required - Type C

Floor Area Limitations - (not applicable if buildings or fire compartments areas are less than 2,000m² or have a volume of less than 12,000m³.)

Fire Protection:

If the buildings contain fire compartments greater than 500m² then a system of fire hydrants and fire hose reels will need to be provided to service the building(s).

Street hydrants may suffice in lieu of on site hydrants if all parts of the buildings requiring fire hydrant coverage are within 90m of a street hydrant.

External building walls within 3m of a side or rear boundary will need to be provided with a minimum 90/90/90 Fire Resistance Level (FRL).

Any proposed internal walls designed to act as fire walls separating fire compartments will need to achieve a minimum 90/90/90 FRL.

Buildings having a floor area greater than 300m² are generally required to be provided with an Exit and Emergency lighting system.

All required egress doors will need to swing in the direction of egress.

Energy Efficiency Requirements

Part J - Energy Efficiency of the BCA will apply to any buildings or parts of buildings likely to be air conditioned (e.g. offices).

Part J6 - Artificial Lighting and Power will apply to all buildings provided with artificial lighting and power.

A part J consultant's compliance report will need to be submitted with the Construction Certificate application.

Plumbing and Drainage Requirements

Fire hose reels will require a minimum 25mm water service

Hydraulic details for all plumbing and drainage are to be submitted with the Construction Certificate application.

Appropriate back flow prevention devices will be required to be installed to protect the public water supply.

Council's sustainable water requirements will apply to all water outlets in the development (see Part F of the Industrial DCP).

Sanitary Facilities

Sanitary facilities will need to be provided for all employees.

Accessible sanitary facilities complying with AS1428.1 will need to be provided for persons with a disability.

Access for Persons with a Disability

Access for persons with a disability will need to be provided to and within the building in accordance with the requirements of Part D3 of the Building Code Australia.

Parking spaces for persons with a disability will need to be provided.

Site Civil Works

All on site civil works are to be detailed on the Construction Certificate plans.

Effluent Disposal

An effluent disposal report must be prepared by a suitably qualified consultant to demonstrate that effluent can be sustainably managed on all proposed lots. For requirements of what should be included in an effluent consultants report Council's *Onsite Sewage Management Strategy*, the *Environmental and Health Protection*

Guidelines (Dept Health) and *Australian Standard AS 1547* should be consulted.
(Subdivisions only)

Trade Waste Approval

An approval to discharge liquid trade waste is required if the development proposes to discharge liquid trade waste to Council's sewer. The applicant is required to submit the Liquid Trade Waste Application form for assessment to determine compliance with Council's Liquid Trade Waste Policy. Information on Council's Liquid Trade Waste Policy can be found at www.clarence.nsw.gov.au.

A second DMU meeting is available at no additional charge if within 12 months from the date of the minutes.

DMU 2013/0004 - Requirements for preparing a Planning Proposal – 263 Duke Street (Shipman)**Introduction**

The following is based on the Department of Planning and Infrastructure's "*A guide to preparing planning proposals*", October 2012 (Planning Proposal guidelines) and also references the Departments "*A guide to preparing local environmental plans*", October 2012 (LEP guidelines). All planning proposals are to be prepared in accordance with the Planning Proposal guidelines regardless of whether it is prepared by Council or by a private party (eg land owner or developer).

Any person contemplating or preparing a draft planning proposal should discuss and confirm with Council the amount and level of information that should be contained in a planning proposal. Attachment 1 – Information Checklist of the Planning Proposal Guide (p 21) is to be used to establish these information requirements.

Section 55 (2) of the Environmental Planning and Assessment Act 1979 (the Act) specifies that a planning proposal must include the following (5) components:

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

This should comprise a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. See examples provided in Planning Proposal guidelines – section 2.1, pages 7/8.

It is essential that a proposal addresses all relevant matters that relate to the planning controls to be amended or introduced. It is not necessary to identify the mechanism by which the outcomes will be achieved.

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP. For instance, will it be suggested that:

- The land be rezoned to B2 Local Centre (or similar B-type zone)?; or
- An additional permitted use be included in Schedule 1 (Additional Permitted Uses) of Clarence Valley LEP 2011?

Again see examples provided in Planning Proposal guidelines – section 2.2, page 9.

Part 3 – The justification for those objectives, outcomes and the process for their implementation

The justification sets out the case for making the proposed LEP. Changes to an existing LEP can include changes to the current zones and/or development standards and controls. As a minimum, a planning proposal must identify any environmental, social and economic impacts associated with the proposal.

A planning proposal must demonstrate justification as follows:

1. Demonstrating the need for the proposal –

- i. *Is the planning proposal a result of any strategic study or report? – section 2.3(a), p11 Planning Proposal Guidelines.*
- ii. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? – section 2.3(a), p11/12 Planning Proposal Guidelines.*

2. Demonstrating the relationship to strategic planning framework –

- i. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)? – section 2.3(a), p12/13 Planning Proposal Guidelines.*

The relevant Regional Strategy is the Mid North Coast Regional Strategy. In addressing consistency with this strategy it will be necessary to acknowledge and address outcomes and actions for each strategy sector.

This Strategy is available at <http://www.planning.nsw.gov.au/mid-north-coast>.

- ii. *Is the planning proposal consistent with a council's local strategy or other local strategic plan? – section 2.3(a), p13 Planning Proposal Guidelines.*

There is no relevant local strategy that has also been endorsed by the Department of Planning and Infrastructure. However, other relevant local strategies that should be considered include:

- *Lower Clarence Retail Strategy (2007) (available at http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-YGS-00-22-31)*
- *Clarence Valley Economic Development Strategic Plan (available at http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-SYU-25-10-81)*
- *Valley Vision 2020 (available at http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-SYU-25-10-81)*

- iii. *Is the planning proposal consistent with applicable State Environmental Planning Policies? – section 2.3(a), p13 Planning Proposal Guidelines.*

These policies can be accessed on the NSW Governments Legislation website by following the link below:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

- iv. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)? – section 2.3(a), p13/14 Planning Proposal Guidelines.*

These Directions can be accessed on the Department of Planning and Infrastructure's website by following the link below:

<http://www.planning.nsw.gov.au/LocalEnvironmentalPlans/LocalPlanningDirections/tabid/248/language/en-AU/Default.aspx>

Relevant section 117 Directions that need to be considered are:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies, and
- 6.3 Site Specific Provisions

3. Addressing environmental, social and economic impact –

- i. *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? – section 2.3(a), p14 Planning Proposal Guidelines.*
- ii. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? – section 2.3(a), p14 Planning Proposal Guidelines.*

In regard to the land at 31 Charles Street, Iluka the issue of flooding should be particularly addressed at the planning proposal/rezoning stage as the site has levels ranging between 3.8 and 5.2 metres (approximately) and is deemed to be affected by 1-in-100-year flooding.

The planning proposal will also need to acknowledge acid sulfate soils and the need to address possible impacts and issues in further detail at the development application (DA) stage.

- iii. *Has the planning proposal adequately addressed any social and economic effects? – section 2.3(a), p15 Planning Proposal Guidelines.*

4. State and Commonwealth interests -

- i. *Is there adequate public infrastructure for the planning proposal? – section 2.3(a), p15 Planning Proposal Guidelines.*
- ii. *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination? – section 2.3(a), p15 Planning Proposal Guidelines.*

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal including:

- the land subject to the planning proposal
- current land use zone/s applying to the land
- current development standards relating to the land (i.e. FSR, building height, minimum lot size)
- the proposed alternative zone, if a change in zone is proposed
- a map illustrating the extent of the proposed revised development standard, if a change to a development standard is proposed

Refer to section 2.4, p16/17 Planning Proposal Guidelines.

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

This part of the planning proposal should outline the community consultation to be undertaken in respect of the proposal, having regard to the requirements set out in LEP guidelines.

Refer to section 2.5, p17 Planning Proposal Guidelines AND section 5.5.2, p24 of LEP guidelines.

Part 6 – Project timeline

The requirement for a project timeline is not part of the Act but is specified in section 2.6, p18 of the Planning Proposal Guidelines. It is difficult for a private party preparing a planning proposal to nominate a "project timeline":

Nominating a project timeline is something that a Council must do if and when it has indicated its support to a planning proposal. Therefore, Council will not request an applicant to nominate a project timeline when it formally submits a draft planning proposal to Council with a view to requesting that Council support the planning proposal.

ATTACHMENT C

LANDOWNER'S SUBMISSION TO 1997 PROPOSED REZONING & ASOCIATED COUNCIL CORRESPONDENCE



Maclean Shire Council

STRATEGIC PLANNING & ENVIRONMENTAL SERVICES

COUNCIL CHAMBERS, 50 RIVER STREET, MACLEAN N.S.W. 2463
P.O. Box 171, Maclean 2463 DX 20703 MACLEAN
TELEPHONE: (066) 452266 FAX: (066) 453552
Email: macl@peg.pegasus.oz.au

Council's Reference: File 2808
Contact: D.Wray/L.Starling
Your Reference:

All Communication to be addressed to
The General Manager

29 September, 1997

ALLGOOD
EDWARD PHILLIP
MILL ROAD
HUONBROOK, VIA MULLUMBIMBY. 2482

Dear Sir/Madam,

MACLEAN LOCAL ENVIRONMENTAL PLAN 1992
DRAFT AMENDMENT NO. 23- REVIEW OF VILLAGE AND TOWNSHIP ZONE

Council has prepared a new Draft Plan for the urban areas of the Shire to update zonings. I am writing to advise you of a proposed change to the zoning of your property, 31 CHARLES STREET ILUKA

The new plan aims to simplify existing controls, deal with current inconsistencies, and provide greater certainty to landowners.

A copy of the existing and proposed zoning tables applying to your land, together with a map showing the new zoning are enclosed. These set out the uses which are permissible within those zones. The list of uses are not all necessarily appropriate to every site, but are uses which may be considered in the zone, subject to a development application being approved.

The draft plan is on exhibition from 29 September 1997 until 28 November 1997 at Council Offices, River St, Maclean, between 9.00am and 4.00pm. It will also be on display in Yamba, Iluka and Lawrence at dates to be advised in the local paper.

Enclosed is a blue reply form if you wish to make any comments on the proposed changes. Please ensure that you fill in the property details so that Council staff can review your comments. All comments should be received by 28 November 1997 so that Council can consider them before making a decision on the draft plan. If you have any queries about the proposed changes please contact Deborah Wray or Lynne Starling on (02) 66 452266.

Yours Faithfully

Bruce Blackford
MANAGER STRATEGIC PLANNING

EXISTING AND PROPOSED ZONES

EXISTING ZONE / CLASSIFICATION

3(a) Commercial

Preferred Uses

Child care centre, commercial premises, drainage, general store, hotel, motel, open space, professional consulting rooms, public building, refreshment rooms, residential flat buildings in conjunction with shops, and / or commercial premises, retail plant nursery, service station, shops, tavern.

PROPOSED ZONE

ZONE 2(b) RESIDENTIAL (MEDIUM DENSITY)

1. Aim of Zone

The primary aim of this zone is to enable medium density housing in order to provide a range of housing options to meet different housing needs within the community

2. Objectives of Zone

The particular objectives of this zone are:

- (a) provision of well designed housing at a higher residential density than the 2(a) Residential zone;
- (b) location of medium density housing in areas close to services and facilities, including recreational, community, commercial and employment opportunities;
- (c) provision of community uses, such as child care centres of a compatible scale, bulk, height and design, which do not detract from the amenity and character of the residential area;
- (d) a medium density residential environment free from any adverse impact of commercial and industrial uses; and
- (e) adequate provision for water and effluent disposal.

3. Without Development Consent

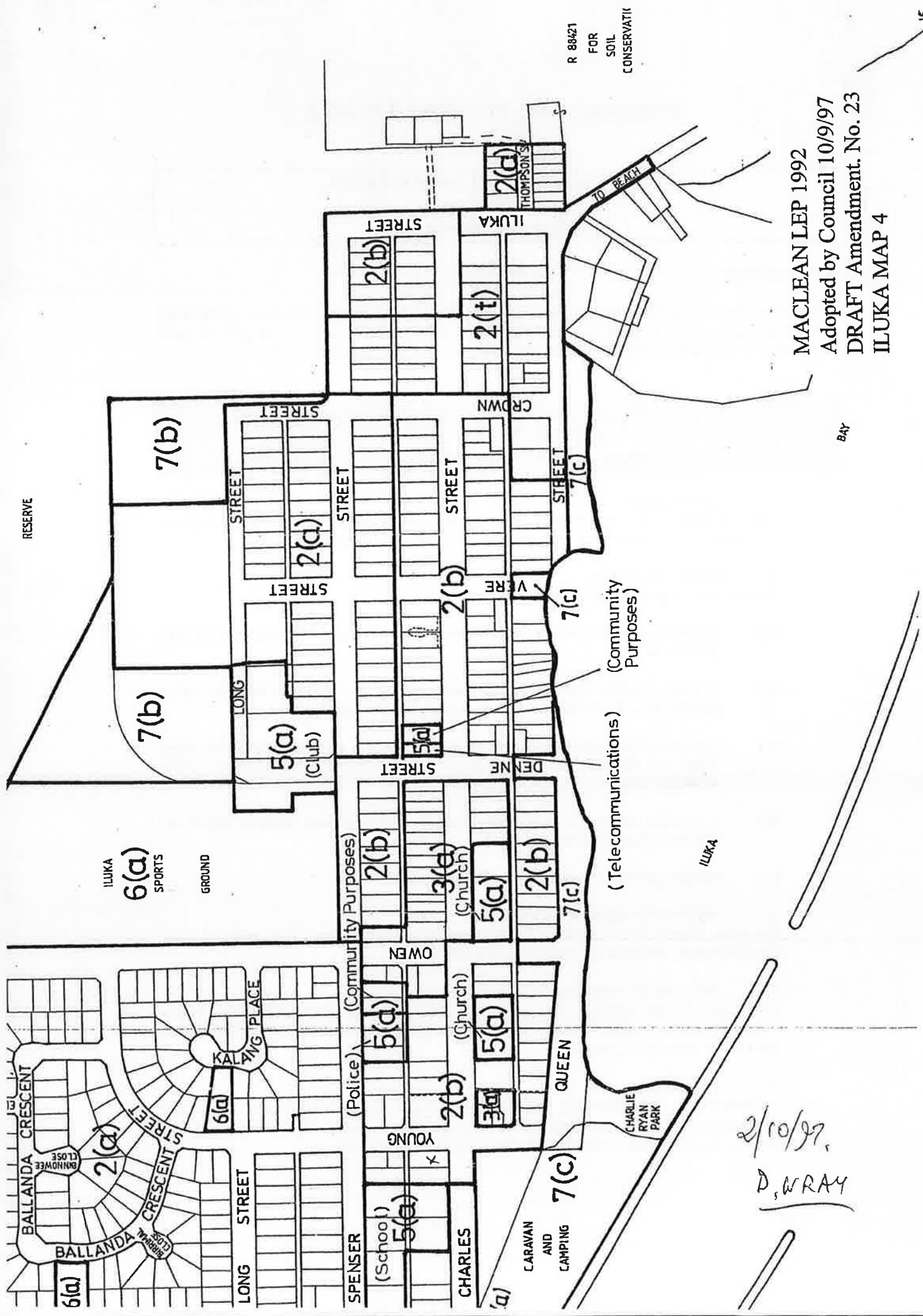
Bus stops, bushfire control; business identification signs not exceeding 0.75sq. metres in area; dwellinghouses; and home occupations in dwelling houses.

4. Only with Development Consent

Child care centres; clearing; cluster housing; dual occupancy; home occupation; home industries; places of public worship; residential flat buildings; utility installations, other than gas holders or generating works.

5. Prohibited

Advertisements and advertising structures, excluding business identification signs; any development other than development included in items 3 or 4, unless the Council is satisfied that the development is consistent with all the objectives of the zone.



MACLEAN LEP 1992
Adopted by Council 10/9/97
DRAFT Amendment. No. 23
ILUKA MAP 4

2/10/97.
D. GRAY

R 88421
FOR
SOIL
CONSERVATION

PAGE (10F3)

PHILLIP ALLGOOD
MILL RD.
HUONBROOK 2482
25-11-97.

GENERAL MANAGER
MACLEAN SHIRE COUNCIL. (REF. FILE 2808).

R SIR/MADAM,

MACLEAN LOCAL ENVIRONMENTAL PLAN 1992
DRAFT AMENDMENT NO. 23 REVIEW OF VILLAGE AND
TOWNSHIP ZONE. _____

WITH REFERENCE TO YOUR LETTER DATED 29.9.97,
WE FIND ENCLOSED MY OBJECTIONS TO THE
OSBA RE-ZONING OF MY PROPERTY AT 31 CHARLES ST.
WA.

THANKING YOU.

Phillip Allgood.

REPLY FORM

MACLEAN LOCAL ENVIRONMENTAL PLAN
DRAFT AMENDMENT NO. 23- REVIEW OF VILLAGE AND TOWNSHIP ZONE

OWNERS NAME	EDWARD PHILLIP ALLGOOD
MAILING ADDRESS IF DIFFERENT	MILL RD. HUONBROOK 2482
PROPERTY DETAILS	31 CHARLES ST. ILUKA.
EXISTING ZONING	3(A) COMMERCIAL.
PROPOSED ZONING	2(B) RESIDENTIAL (MEDIUM DENSITY).
COMMENTS	THIS PROPERTY WAS OWNED BY MY MOTHER SINCE THE MID 50'S, AND PASSED ONTO ME AFTER HER DEATH IN 1984. THE PROPERTY IN QUESTION HAS ALWAYS BEEN ZONED COMMERCIAL, AND IT HAS BEEN MY INTENTION TO DO A COMMERCIAL VENTURE ON THE LAND IN THE NEAR FUTURE, AND AT PRESENT IS BEING OPERATED ON A COMMERCIAL BASIS BY MY TENANT. WHEN I RANG YOUR OFFICE ON 2-10-97 AND SPOKE TO D. WRAY. I WAS TOLD THAT THE RE-ZONING WAS NECESSARY SO AS TO PREVENT THE BUSINESSES (COMMERCIAL CENTRE) OF THE TOWN FROM BEING TOO SPREAD OUT. AT PRESENT THERE ARE EIGHT (8) OPERATING BUSINESSES AS MY IMMEDIATE NEIGHBOURS, NINE INCLUDING 31 CHARLES ST. BO. I FEEL

(SEE PAGE ATTACHED)

SIGNED

P. Allgood.

I RECENTLY SPOKE TO A LOCAL REAL ESTATE AGENT (IN FLUVA), AND IN HIS OPINION, I WOULD BE SEVERELY DISADVANTAGED FINANCIALLY IF REZONING OCCURRED, BECAUSE MY PROPERTY IS A CORNER BLOCK WITH OVER 65 METERS OF STREET FRONTAGE WHICH MAKES IT A VERY SUITABLE PIECE OF COMMERCIAL REAL ESTATE.

FOR THE ABOVE MENTIONED REASONS I TOTALY OBJECT TO THE REZONING OF MY LAND, AND WISH FOR YOU TO RETHINK YOUR PROPOSED REZONING OF MY PROPERTY.

IF YOU REQUIRE FURTHER INFORMATION FROM ME PLEASE FEEL FREE TO RING ME ON 02-66840062 OR WRITE TO MY HOME ADDRESS.

THANKING YOU

Shelly Allgood.

P.S. FURTHERMORE I EXPECT TO BE INFORMED, REGARDING THIS MATTER AS IT PROGRESSES, AND WILL SEEK



Maclean Shire Council

STRATEGIC PLANNING & ENVIRONMENTAL SERVICES

COUNCIL CHAMBERS, 50 RIVER STREET, MACLEAN N.S.W. 2463
P.O. Box 171, Maclean 2463 DX 20703 MACLEAN
TELEPHONE: (066) 452266 FAX: (066) 453552
Email: macl@peg.pegasus.oz.au

Council's Reference: File 2808
Contact: D.Wray/L.Starling
Your Reference:

All Communication to be addressed to
The General Manager

1st December, 1997

Mr. Phillip Allgood,
Mill Road,
HUONBROOK NSW 2482.

Dear Mr. Allgood,

MACLEAN LOCAL ENVIRONMENTAL PLAN 1992
DRAFT AMENDMENT NO. 23- REVIEW OF VILLAGE AND TOWNSHIP ZONE

Thank you for your comments regarding the draft plan. Planning Staff are now reviewing all submissions and the comments will be considered by Council early in 1998.

If you have any enquiries, please contact Deborah Wray or Lynne Starling.

Yours Faithfully

Bruce Blackford
MANAGER STRATEGIC PLANNING



Maclean Shire Council

COUNCIL CHAMBERS, 50 RIVER STREET, MACLEAN N.S.W. 2463
STRATEGIC PLANNING & ENVIRONMENTAL SERVICES TELEPHONE: (02) 66452266
Email: maclean@msc.nsw.gov.au FAX: (02) 66453552

Council's Reference: LS:JW File: 02808
Contact: Lynne Starling.
Your Reference:

All Communication to be addressed to
The General Manager, P.O. Box 171, Maclean 2463

22 April, 1998.

Mr. Phillip Allgood,
Mill Road,
HUONBROOK NSW 2482.

Dear Mr. Allgood,

RE: MACLEAN LEP 1992 DRAFT AMENDMENT NO. 23.

I am writing to advise you that Council considered all the submissions received in relation to Maclean LEP Draft Amendment No. 23 on 8th April, 1998.

After considering all issues raised in submissions regarding the proposed 2(b) Residential zoning of land classified as 3(a) Commercial in the Maclean Shire DCP, Council decided to change the proposed zoning of Draft Amendment No. 23 as shown on the attached map.

Council decided to amend the zoning of Draft Amendment No. 23 for land on corner of Young and Spenser Street, (Nos. 40-42 Spenser Street and No. 1 Young Street) and Nos. 62-76 Spenser Street and No. 1 Denne Street from 2(b) Residential to 3(a) Business.

The zoning of Nos. 29-45 and No. 12 Charles Street, Nos. 44-46 Spenser Street and Nos. 8-14 Young Street are to be changed from 2(b) Residential to 2(t) Residential (Tourism).

The revised zonings will be on exhibition from 27 April, 1998 to 22 May, 1998 at the Council Chambers, River Street Maclean. If you have any enquiries ring Deborah Wray, Lynne Starling or Bruce Blackford.

Yours Faithfully

Bruce Blackford
MANAGER STRATEGIC PLANNING

Winner of the 1993 Bluett Award

MAP SHOWING REVISED PROPOSED ZONING
Proposed amendments to Maclean LEP 1992 Draft Amendment No. 23



recommended revised zoning change from 2(b) to 3(a)



recommended revised zoning change from 2(b) to 2(t)

PROPOSED ZONE

ZONE NO. 3(a) BUSINESS ZONE

1. **Aim of Zone**

The primary aim of this zone is to provide a range of retail and commercial activities and employment opportunities to meet the needs of the Shire's population and visitors.

2. **Objectives of Zone**

The particular objectives of this zone are:

- (a) well designed commercial and retail development which will enhance the appearance, functions and viability of commercial and retail areas; and
- (b) to provide development which is associated with, ancillary to, or supportive of, commercial or retail development.
- (c) adequate provision for water and effluent disposal.

3. **Without Development Consent**

Bus stops; bushfire control; business identification signs not exceeding 0.75 sq. metres in area; clearing; home occupations; open space; and roads.

4. **Only with Development Consent**

Advertisements and advertising structures not referred to in clause 46(o); bus stations; car parking; car repair stations; child care centres; clubs; commercial premises; community centres; dwelling houses, dual occupancy and residential flat buildings only in conjunction with shops or commercial premises; educational establishments; home industries; hotels; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation facilities; refreshment rooms; service stations; shops; and tourist facilities.

5. **Prohibited**

Any development other than development included in items 3 or 4, unless the Council is satisfied that the development is consistent with the objectives of the zone.

PROPOSED ZONE

ZONE 2(i) RESIDENTIAL (TOURISM)

1. **Aim of Zone**

The primary aim of this zone is to provide tourist facilities and /or high density residential accommodation and associated facilities..

2. **Objectives of Zone**

The particular objectives of this zone are:

- (a) development of a diverse tourism industry to strengthen the local economic base of Maclean Shire, which does not detract from the natural, social and built environment;
- (b) provision of tourist facilities, recreation facilities and high density residential development and associated uses without adverse impacts on the surrounding development; and
- (c) provision of employment opportunities and economic benefits.
- (d) adequate provision for water and effluent disposal.

3. **Without Development Consent**

Bus stops, bushfire control; business identification signs not exceeding 0.75 sq. metres in area; dwelling houses. .

4. **Only with Development Consent**

Advertisements and advertising structures not referred to in clause 46(o); caravan parks; clearing; clubs; dual occupancy; guest houses; hotels; marinas; motels; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; and tourist facilities.

5. **Prohibited**

Total destination resorts; and any development other than development included in items 3 or 4, unless the Council is satisfied that the development is consistent with the objectives the zone.

ATTACHMENT D

ILUKA WOOMBAH REAL ESTATE SUBMISSION

Planning Proposal
Lot 1 DP 345729
31 Charles St Iluka
June 2013

ILUKA WOOMBAAH REAL ESTATE



21/05/2013

To whom it may concern,

Iluka Woombah Real Estate is the listing agent for 31 Charles Street, Iluka, NSW 2466.

The property has been on the market since February 2006. There has been little interest in the property until recently when I have had two offers. Both offers were for commercial use of the property.

The current zoning of the property is SP3 Tourist zone. Commercial premises are prohibited within this zone.

A Development Management Unit Deputation with Clarence Valley Council was held on the 5th of February 2013 to consider the commercial use of the property. While the current zoning prohibits commercial premises clause 5.3 of the Clarence Valley LEP 2011 provides the ability for Council to consider commercial development on part of the land. That is 12 meters from the laneway that forms the northern boundary.

However the prospects in both offers felt it was not the most economic and efficient use of the land and have decided not to proceed.

Because of this the owner of the property has decided to apply for a rezoning from Tourist use to Business use which evidence provided in the application will show is the most obvious use and demand for this property.

I highly recommend and support the rezoning.

Earl Cochran
Licencee Iluka Woombah Real Estate

ATTACHMENT E

CLARENCE VALLEY LEP 2011 LAND USE TABLES ZONE B2 & ZONE SP3

CLARENCE VALLEY LEP 2011 DICTIONARY – SELECTED DEFINITIONS

CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011

LAND USE TABLE – ZONES B2 & SP3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To reinforce and support the central business districts of Maclean, Iluka and Yamba as the commercial centres for these towns.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To enable other land uses that are compatible with and do not detract from the viability of retail, business, entertainment and community uses within the zone.

2 Permitted without consent

Home-based child care; Home occupations; Home occupations (sex services)

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds;

Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Water treatment facilities

Zone SP3 Tourist

1 Objectives of zone

- *To provide for a variety of tourist-oriented development and related uses.*
- *To enable a range of residential accommodation that is compatible with the provision of tourism uses to assist with the off season viability of tourist-based development.*
- *To provide for tourist accommodation that does not compromise the environmental, scenic or landscape qualities of the land.*
- *To enable retail and business premises that complement tourism-based development without eroding the retail hierarchy of the area.*

2 Permitted without consent

Home-based child care; Home occupations; Home occupations (sex services)

3 Permitted with consent

Advertising structures; Amusement centres; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Home businesses; Home industries; Information and education facilities; Kiosks; Marinas; Markets; Mooring pens; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Roads; Roadside stalls; Shops; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

4 Prohibited

Hostels; Rural workers' dwellings; Seniors housing; Any development not specified in item 2 or 3

SELECTED LAND USE DEFINITIONS

business premises means a building or place at or on which:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
(b) a service is provided directly to members of the public on a regular basis,
and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

***Note.** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.*

***shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.*

***tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:*

- (a) backpackers' accommodation,*
 - (b) bed and breakfast accommodation,*
 - (c) farm stay accommodation,*
 - (d) hotel or motel accommodation,*
 - (e) serviced apartments,*
- but does not include:*
- (f) camping grounds, or*
 - (g) caravan parks, or*
 - (h) eco-tourist facilities.*

ATTACHMENT F

SUBMISSION FROM ADJACENT LANDOWNER

**PO Box 367
Lismore NSW 2480
M. 0412 992 282
P/F. 02 6622 0539
jbaker2@optusnet.com.au**

20/5/13

I, John Baker, owner of 29 Charles Street Iluka, have no objection to the rezoning of 31 Charles Street owned by Phillip Allgood, from SP3 Tourism to B2 Local Centre.

Providing it does not impact on future Residential/Tourism development of my property. I do not want the zoning changed for 29 Charles Street, Iluka.

Regards



John Baker

ATTACHMENT G

SECTION 117 DIRECTIONS CHECKLIST

Section 117 Directions

The following is a list of Directions issued by the Minister for under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued:

No.	Title and Provisions	Applicable	Consistency
1.1	Business and Industrial Zones	Yes	Yes
(1)	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.		The proposal will improve the prospect of the land to be developed so as to provide for employment growth and will reinforce the operation of a critical section of the Iluka CBD
(4)	A planning proposal must: (d) give effect to the objectives of this direction, (e) retain the areas and locations of existing business and industrial zones, (f) not reduce the total potential floor space area for employment uses and related public services in business zones, (g) not reduce the total potential floor space area for industrial uses in industrial zones, and		

	(h)	and ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.		
1.2	Rural Zones		No	
1.3	Mining Petroleum and Extractive Industries		No	
1.4	Oyster Aquaculture		No	
1.5	Rural Lands		No	
2.1	Environment Protection Zones		No	
2.2	Coastal Protection Zones		No	
2.3	Heritage Conservation		No	
2.4	Recreation Vehicle Areas		No	
3	Housing Infrastructure and Urban Development			
3.1	Residential Zones		No	
3.2	Caravan Parks and Manufactured Home Estates		No	
3.3	Home Occupations		No	
3.4	Integrating Land Use and Transport		Yes	Yes The proposal will create a commercial development opportunity in a precinct characterised by commercial usage.
(1)	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:			
	(a) improving access to housing, jobs and services by walking, cycling and public transport, and			
	(b) increasing the choice of available			

	transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and (d) providing for the efficient movement of freight. (e) (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).		
3.5	Development Near Licensed Aerodromes	No	
3.6	Shooting Ranges	No	
4	HAZARD AND RISK	Yes	

4.1	Acid Sulfate Soils The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.	Yes	Yes The land is identified on Council's acid sulfate soils map as having a probability of Class 4 ASS being present. No excavation works are proposed. Section 7.1 of the Clarence Valley LEP 2011 specifies that development consent is required for <i>Works more than 2 metres below the natural ground surface. □ Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface</i> and contains a range of further provisions Future substantive development on the site, under the current or proposed zoning will be required to comply with the Clarence Valley LEP 2011
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	Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).		
An 4.2	Mine Subsidence and Unstable Land	No	
4.3	Flood Prone Land	Yes	No The inconsistency of the planning proposal with this direction is discussed in the body of the planning proposal – see section 3.6
	(2) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>). (3) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. (4) A planning proposal must not contain provisions that apply to the flood planning areas which:		

	(a) permit development in floodway areas, permit development that will result in significant flood impacts to other properties, (b) permit a significant increase in the development of that land, (c) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (d) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.		
	(5) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).		
	(6) For the purposes of a planning proposal, a relevant planning authority must not determine		

	a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that: (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or (b) the provisions of the planning proposal that are inconsistent are of minor significance.		
4.4	Planning for Bushfire protection	No	
5	REGIONAL PLANNING	Yes	
5.1	Implementation of Regional Strategies	Yes	Yes See comments in section 3.3 of the Planning proposal in regard to the Mid North Coast Regional Strategy 2009
5.2 to 5.8	5.2 Sydney Drinking Water Catchments 5.3 Farmland of State and Regional Significance on the NSW Far North Coast 5.4 Commercial and Retail Development along the	No	

	Pacific Highway, North Coast 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1) 5.8 Second Sydney Airport: Badgerys Creek		
6	LOCAL PLAN MAKING	No	
6.1	Approval & Referral Requirements	No	
6.2	Reserving Land for Public Purposes	No	
6.3	Site Specific Provisions	No	
7	METROPOLITAN PLANNING	No	

ATTACHMENT H

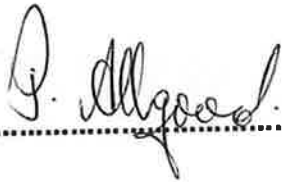
LANDOWNER'S CONSENT

Planning Proposal
Lot 1 DP 345729
31 Charles St Iluka
June 2013

LANDOWNER'S CONSENT TO LODGEMENT OF GATEWAY PLANNING PROPOSAL

I, Phillip Allgood, as the owner of land parcel Lot 1 DP 345729, 31 Charles Street Iluka, give my consent to the lodgement of the Planning Proposal, as prepared on my behalf by Paddy Dawson of Paddy Dawson Town Planning, for the rezoning of this land parcel

Signed



Dated

25-5-2013