

Clarence Valley LEP 2011 – Amendment of zone boundaries and building heights for a supermarket, car park, bowling club and park and the rezoning of land for a public car park located at Maclean

Proposal Title :	Clarence Valley LEP 2011 – Amendment of zone boundaries and building heights for a supermarket, car park, bowling club and park and the rezoning of land for a public car park located at Maclean		
Proposal Summary :	<p>The proposal includes the amendment of zone boundaries to facilitate changes to a proposed supermarket and car park including the realignment of the bowling club and Cameron Park at Centenary Drive, Maclean as well as rezoning of land for a public car park at Argyle Street, Maclean. The proposal includes seven amendments which include the following.</p> <ul style="list-style-type: none"> • Realign the B2 Local Centre Business zone to allow a proposed supermarket building envelope to relocate slightly north. • Rezone car parking associated with the supermarket from SP2 Infrastructure zone to B2 Local Centre Business zone. • Rezone public car parking area from B2 Local Centre Business zone to SP2 Infrastructure zone on land located at Centenary Drive, Maclean as well as land located north of Argyle Street, Maclean. • Rectify a zoning anomaly to realign the RE2 Private Recreation zone to address the bowling club property boundary. • Realign RE1 Public Recreation zone to provide an additional 432.3 square metres to Cameron Park. • Rectify a zoning anomaly to rezone 19 square metres from RE1 Public Recreation zone to SP2 Infrastructure zone to facilitate vehicular access. • Amend the Height of Buildings map to include the relocated supermarket with a 9 metre height limit and delete the height limit from the new car parking areas. 		
PP Number :	PP_2015_CLARE_002_00	Dop File No :	15/05147

Proposal Details

Date Planning Proposal Received :	18-Mar-2015	LGA covered :	Clarence Valley
Region :	Northern	RPA :	Clarence Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	3-9 Centenary Drive		
Suburb :	Maclean	City :	Postcode : 2463
Land Parcel :	Pt Lot 102 - Pt Lot 103 DP 1189229		
Street :	1 Argyle Street		
Suburb :	Maclean	City :	Postcode : 2463
Land Parcel :	Lot 1 DP 433991		
Street :	1 Morven Street		
Suburb :	Maclean	City :	Postcode : 2463
Land Parcel :	Lot 1 DP 796925		

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Street : **3 Morven Street**
Suburb : **Maclean** City : Postcode : **2463**
Land Parcel : **Lot 1 DP119832**
Street : **Morven Street**
Suburb : **Maclean** City : Postcode : **2463**
Land Parcel : **Lot 2 DP 796925**
Street : **McLachlan Street**
Suburb : **Maclean** City : Postcode : **2463**
Land Parcel : **Pt Lot 100 DP 1110269**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **David Morrison**
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DoP Project Manager Contact Details

Contact Name : **Jim Clark**
Contact Number : **0266416604**
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Land Release Data

Growth Centre : Release Area Name :
Regional / Sub **Mid North Coast Regional** Consistent with Strategy : **Yes**
Regional Strategy : **Strategy**
MDP Number : Date of Release :
Area of Release (Ha) : Type of Release (eg Residential / Employment land) :
No. of Lots : **0** No. of Dwellings (where relevant) : **0**
Gross Floor Area : **0** No of Jobs Created : **0**
The NSW Government **Yes**
Lobbyists Code of Conduct has been complied with :
If No, comment : **The Department of Planning and Infrastructure's Code of Practice in relation to meeting with lobbyists has been complied with to the best of the Region's knowledge.**

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Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **Northern Region has not met with any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists regarding this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

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

The proposal seeks to adjust zone boundaries on land located at Centenary Drive, Maclean as well as rezoning of land for a public car park on land located north of Argyle Street, Maclean. The adjustment of zoning will facilitate changes to a proposed supermarket and car park including the realignment of the bowling club and Cameron Park.

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

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

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The amendment to the Clarence Valley LEP 2011 includes amendments to zone boundaries on land located at Centenary Drive, Maclean and rezone land for a public car park on land located north of Argyle Street, Maclean. The planning proposal adequately describes the issues.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.2 Coastal Protection**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

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

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

d) Which SEPPs have the RPA identified?

- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 44—Koala Habitat Protection**
- SEPP No 55—Remediation of Land**
- SEPP No 64—Advertising and Signage**
- SEPP No 71—Coastal Protection**
- SEPP (Infrastructure) 2007**

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

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

If No, explain : **Yes. See the assessment section of his report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposal includes mapping which adequately shows which properties are affected by the proposed amendments. These maps will be adequate for the public exhibition. However, a revised map which comply with the department's 'Standard Technical Requirements for LEP Maps' would need to be prepared for the making of the LEP. This would include preparation of a zoning and 'height of buildings' map.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA has proposed a 28 day community consultation period due to the public profile of this development if approved. It is considered a twenty eight (28) day public exhibition period is acceptable for public examination and comment on the proposal.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **Time Line**
The planning proposal includes a project timeline which estimates the completion of the planning proposal in December 2015. To ensure the RPA has adequate time to complete exhibition (for a period of 28 Days), reporting, map preparation and legal drafting it is recommended that a time frame of twelve (12) months is appropriate from the week following the Gateway determination.

Delegation.
Clarence Valley Council has not accepted the delegation of plan making functions as a proportion of the subject site is Council owned land and history of potential community concerns surrounding the development.

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

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Clarence Valley LEP 2011 commenced in December 2011. This planning proposal seeks an amendment to the Clarence Valley LEP 2011.

Assessment Criteria

Need for planning proposal :

The proposal implements planning undertaken by Clarence Valley Council including the Lower Clarence Retail Strategy 2007 and the Maclean Urban Catchment Local Growth Management Strategy 2011. The studies acknowledge the need for a supermarket in the Maclean Central Business District. In particular the Lower Clarence Retail Strategy 2007 identifies that a supermarket could be located on the Council car park in the town centre of Maclean.

The planning proposal is a result of a revised supermarket and car parking design which addresses a number of previously raised issues in relation to an existing approved consent. The planning proposal and accompanying development application includes an at-grade supermarket and associated car parking. A planning proposal is required to amend existing zoning to enable the development application to be considered.

In addition to the supermarket the proposal includes rezoning land north of Argyle Street from B2 Local Centre Business zone to SP2 Infrastructure zone to provide for additional publically owned car parking. The proposal states the rezoning would ensure that the overall public parking provision within the Maclean town centre will be adequate for the needs of the centre.

The planning proposal also seeks to rectify an existing zoning anomaly in the locality arising from a previous land swap between the Maclean Bowling Club and Council in order to reflect existing cadastral boundaries of the site.

The proposal states the change from the existing zoning would provide for:

- A better relationship of car parking areas to both existing and proposed development;
- An increase in overall parking provision;
- All parking proposed at 'grade' for easier access and better shared use between retail facilities;
- Improved service vehicle access;
- Improved visual separation of the proposed supermarket from existing heritage buildings and a substantially lower overall built form; and
- An increase in land zoned for public recreation for Cameron Park.

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Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS)

The MNC Regional Strategy applies to the planning proposal. The subject site is located within the existing urban area of Maclean. The planning proposal is a minor development of existing urban land which would provide for enhanced retail services and would contribute to employment growth within Maclean. It is consistent with the aims of the MNC Regional Strategy in that it ensures commercial development is located in the existing commercial core compared to out of centre locations.

Consistency with Council's Local Strategies

The Proposal is consistent with the RPA's local strategies or its community strategic plan including the Lower Clarence Retail Strategy 2007 and the Maclean Urban Catchment Local Growth Management Strategy 2011.

SEPPs

The proposal is not inconsistent with any State environmental planning policies (SEPPs). The RPA has identified that SEPPs 44, 55, 64, Infrastructure (2007) and Miscellaneous Consent Provisions (2007) are applicable to the proposal. The Department has identified that SEPP71 is applicable to the proposal. The proposal is not inconsistent with these SEPPs.

SEPP 71 - Coastal Protection:

Clause 7 of SEPP 71 requires the consideration of matters listed under clause 8 of the SEPP where a planning proposal applies to land within the coastal zone. The subject land is within the coastal zone as it is close to the tidal Clarence River. It is considered that the proposed use of the site is not inconsistent with the SEPP objectives or matters for consideration. The proposal is therefore considered to be consistent with the aims and requirements of the SEPP.

S117 Directions

The following 117 Directions are applicable to the planning proposal; 1.1 Business and Industrial Zone, 2.2 Coastal Protection, 3.4 Integrating Land Use and transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, 6.1 Approvals and Referral Requirements and 6.2 Reserving Land for Public Purposes.

Of the above s117 Directions the proposal is inconsistent with Direction 1.1 Business and Industrial Zone, Directions 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes. However, the inconsistency of the proposal with the directions is considered minor in nature therefore justified as discussed in detail below.

Direction 1.1 Business and Industrial Zone

Direction 1.1 Business and Industrial Zone is relevant to the proposal. The direction states that a planning proposal must retain areas and locations of existing business and industrial zones; not reduce the total potential floor space area for employment uses and support the viability of identified strategic centres.

The proposal reduces the B2 Local Centre Business zone by 1,109 square metres which primary relates to the rezoning of the car parking area as well as a small area of land to be rezoned to RE1 Public Recreation zone.

The car parking area supports the provision of a supermarket and has transpired through a change of design from under croft parking to at grade parking. The proposal includes

two separate areas for car parking. One of the car parking areas is proposed to be located at the corner of Argyle, Clyde and Morven Street. This site is proposed to be handed over to Council following construction and is proposed to be rezoned to SP2 Infrastructure zone from B2 Local Centre Business zone.

Additional parking is proposed fronting Centenary Drive. The amended configuration provides a visual separation of the supermarket from the existing heritage buildings. The majority of this car park is proposed to be zone B2 Local Centre Business zone. Several car spaces adjacent to the pool are proposed to be zoned SP2 Infrastructure zone and are publically owned. Overall only 184 square metres of this area will be rezoned from B2 Local Centre Business zone to SP2 Infrastructure zone. The car parking provision is necessary to facilitate the development of the supermarket. The floor space of the supermarket remains unchanged at 2000 square metres. It is consider that this inconsistency is justified in this instance as it is of minor significance.

In addition, the Maclean Urban Catchment Local Growth Management Strategy 2011 which was endorsed by the Department states additional retail space is needed in the area and the Lower Clarence Retail Strategy specifically acknowledges the need for a supermarket at Maclean. The proposal facilitates the provision of a supermarket at Maclean. The direction states a proposal may be inconsistent with the terms of this direction if justified by a strategy.

Direction 4.1 Acid Sulfate Soils

Direction 4.1 Acid Sulfate Soils is relevant to certain aspects of the planning proposal. The direction states that a planning proposal shall not propose intensification of land uses on land identified as containing acid sulfate soils unless a study assessing the appropriateness of the land has been completed. The subject site is predominantly class 2 acid sulfate soils.

The rezoning will result in an intensification of land uses. A preliminary investigation of the geotechnical conditions on the subject site has been undertaken by the proponent. The report recommended an ASS Management Plan is prepared for the treatment and management of the PASS materials. Provisions exist within the Clarence Valley LEP 2011 to address acid sulfate soils at development application stage should a proposal include extensive works in the area containing potential acid sulfate soils. Therefore the inconsistency is considered to be of minor significance and justified in accordance with the terms of the direction.

4.3 Flood Prone Land

Direction 4.3 Flood Prone Land is relevant to the proposal. The direction provides that a proposal must not rezone land within a flood planning area to a residential zone or permit a significant increase in the development of that land. The draft plan proposes to rezone land below the 1 in 100 year flood level to enable development of a supermarket and car parking.

The direction states that the proposal may be inconsistent with the direction if the inconsistencies are of minor significance. The RPA states that flooding within the Maclean Township was given particular consideration in the Grafton and Lower Clarence Floodplain Risk Management Plan and the proposed development would be constructed to resist the flood planning level event through use of mounding, transom walls and flood barriers on doors.

Provisions exist within the Clarence Valley LEP 2011 to address flood planning at development application stage. Therefore there is significant scope to design any buildings to address the flood planning level. The inconsistency of the proposal with the direction is therefore considered to be justified in accordance with the terms of the direction.

6.2 Reserving Land for Public Purposes Direction

6.2 Reserving Land for Public Purposes is relevant to certain aspects of the planning proposal. The direction provides that a planning proposal must not create, alter or reduce zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General. The planning proposal intends to rezone land at Cameron Park which will be dedicated to Council as public reserve. This includes realigning RE1 Public Recreation zone to provide an additional 432.3 square metres to Cameron Park and rectifying a zoning anomaly to rezone 19 square metres from RE1 Public Recreation zone to SP2 Infrastructure zone to facilitate vehicular access. Rectifying this zoning anomaly is considered imperative for the development of the supermarket and provides an increased areas for public reserve and is considered a minor change.

Environmental social economic impacts :

The subject site has been disturbed significantly by previous land uses, leaving its ability to support flora and fauna populations very limited. The planning proposal will therefore not have any direct adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Similarly the planning proposal will not have any direct adverse effect on the natural, built or socio-economic environment.

The proposal will enable an intensification of development over land which may have the potential for indirect effects on the socioeconomic environments. The impacts on the built environment will include land use conflict, traffic impacts and amenity. It is expected that these matters can be addressed by the development assessment process on a case by case basis. However, the proposal has been redesigned so the entrance is located at Centenary Drive as opposed to an elevated structure with the entry facing Cameron Park. The building will be set back from Centenary Drive and well separated from the existing heritage buildings. The redesigned proposal integrates with the surrounding development and has reduced amenity impact than the previous approved design.

The planning proposal has given consideration to economic impacts of the proposed amendments to the Clarence Valley LEP 2011. The RPA suggests that the proposal will produce a net social benefit associated with providing daily goods and services to the community through the provision of the supermarket. The economic impacts will be negligible as the amendments do not constitute a significant departure from the agreed strategic planning direction and is in the best interest of the community.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **DG**

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

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

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

If no, provide reasons :

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

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 2.2 Coastal Protection**
 - 3.4 Integrating Land Use and Transport**
 - 4.1 Acid Sulfate Soils**
 - 4.3 Flood Prone Land**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.2 Reserving Land for Public Purposes**

- Additional Information :
- It is recommended that;**
- 1. The planning proposal should proceed as a minor planning proposal.**
 - 2. The planning proposal is to be completed within twelve(12) months.**
 - 3. That a community consultation period of 28 days is necessary.**
 - 4. It is recommended that a delegate of the Secretary agree that the inconsistencies of the proposal with S117 Directions 1.1 Business and Industrial Zone, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the provisions of the directions.**
 - 5. It is recommended that a delegate of the Secretary in accordance with section 117 direction 6.2 Reserving Land for Public Purposes, agree to the configuration of the RE2 Private Recreation Zone and adjoining zones at Cameron Park, Maclean, as requested by the Council.**
 - 6. Delegation to finalise the planning proposal NOT be issued to the Council.**

- Supporting Reasons :
- The reasons for the recommendation are as follows;**
- 1. The planning proposal is consistent with Council's strategic framework and the Mid North Coast Regional Strategy.**
 - 2. The planning proposal will enable the development of employment generating land uses that will contribute to the economic growth of the region.**
 - 3. The planning proposal supports additional car parking above that necessary to support the proposed supermarket.**
 - 4. The planning proposal supports a redesign of the site which includes additional area to Cameron Park, increased parking provision and improved visual separation from the existing heritage buildings.**
 - 5. The inconsistencies of the proposal with the S117 Directions are of minor significance.**
 - 6. The proposal is otherwise consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.**
 - 7. Clarence Valley Council has not accepted the delegation of plan making functions as a proportion of the subject site is Council owned land and history of potential community**

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concerns surrounding the development.

Signature: _____

Printed Name: _____ Date: _____