

PLANNING PROPOSAL – REZONING – MACLEAN TOWN CENTRE

March 2015

Adjustment of zone boundaries for changes to proposed supermarket and rezoning of additional lands for car parking

- Pt Lot 102-Pt 103 DP 1189229 3-9 Centenary Drive, Maclean
- Lot 1 DP 433991, 1 Argyle St, Maclean
- Lot 1 DP 796925, 1 Morven St, Maclean
- Lot 1 DP 119832, 3 Morven St, Maclean
- Lot 2 DP 796925 Morven St, Maclean
- Pt Lot 100, DP 1110269, McLachlan St, Maclean

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INTRODUCTION

This planning proposal explains the intended effect of a proposed local environmental plan that would amend the principle plan applying to the Clarence Valley and sets out the justification for making the plan. The proposed local environment plan would affect the following lots:

- Pt Lot 102-Pt 103 DP 1189229 3-9 Centenary Drive, Maclean
- Lot 1 DP 433991, 1 Argyle St, Maclean
- Lot 1 DP 796925, 1 Morven St, Maclean
- Lot 1 DP 119832, 3 Morven St, Maclean
- Lot 2, DP 796925, Morven St, Maclean
- Pt Lot 100, DP 1110269, McLachlan St, Maclean

to permit a relocation of a proposed supermarket development and to rectify an existing zoning anomaly on land adjoining and.

Proposed supermarket

The proposed development is set out in Figure 1, below :



Figure 1 – Proposed Development

The land is currently zoned SP2 Infrastructure, B2 Local Centre and RE1 Public Recreation under Clarence Valley Local Environmental Plan 2011. This proposal aims to realign those existing zones to better accommodate the relocated proposed supermarket including car parking spaces directly

associated with the development. The supermarket would be accessible from the existing surrounding roads.

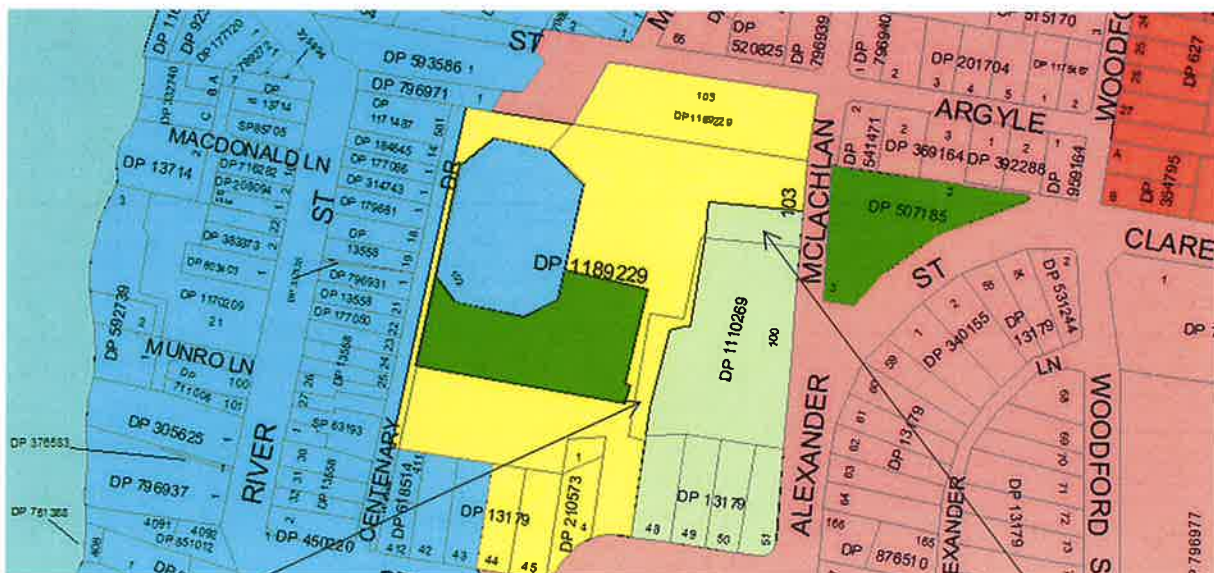
These changes, in summary are:

1. To rezone the proposed supermarket building area into the B2 Local Centre Business Zone;
2. To rezone privately owned car spaces of the proposed car parking area adjacent to the supermarket into the B2 Local Centre Business Zone;
3. To rezone areas of B2 Local Centre Business Zone to SP2 Infrastructure Special Use Zone including land north of Argyle St to provide for additional publicly owned carparking;
4. To realign the RE2 Private Recreation Zone for the Bowling Club east of the proposed supermarket to better address the northern edge of the existing carpark and the Bowling Club's northern property boundary;
5. To realign RE1 Public Recreation Zone to provide larger area of park south of the proposed supermarket building; and
6. To rectify a small anomaly in the RE1 zoning to facilitate vehicular access through the existing parking area.

Rectifying an existing zoning anomaly

An existing zoning anomaly has existed since the preparation of the Clarence Valley LEP 2011. A land swap occurred, independent of the LEP process, between Council and the Bowling Club to rectify an encroachment from the Bowling Club entry onto Council's car park, and to acknowledge that public car parking to the north of the northern most bowling green was on Club land. This has resulted in part of the Club land at its entrance being zoned SP2 for car parking, whilst the publicly owned and maintained car park is zoned RE2 for private recreation. It is opportune to rectify this anomaly as part of this Planning Proposal.

The following figure identifies this zoning anomaly.



Area of Lot 103 now owned by Bowling Club (Currently zoned SP2)

Area of lot 103 now owned by Council as constructed as a public car park (currently zoned RE2)

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1. **To rezone the proposed supermarket building area into the B2 Local Centre Business Zone.** A supermarket was approved on a specific site, slightly to the north of the current proposed building envelope. An amendment to the proposal looks to re-locate the building envelope, predominantly onto land zoned SP2.
2. **To rezone privately owned car spaces of the proposed car parking area adjacent to the supermarket into the B2 Local Centre Business Zone.** This would ensure that the land, the subject of the supermarket application and the associated car parking are in the same zone. In this respect the SP2 zone is not considered appropriate for land within private ownership.
3. **To rezone areas of B2 Local Centre Business Zone to SP2 Infrastructure Special Use Zone including land north of Argyle St to provide for additional publically owned car parking.** This would ensure that public car parking including, in particular, the land north of Argyle Street is only able to be used for public car parking. This would ensure that overall public parking provision within the Maclean town centre is adequate for the needs of the Centre.
4. **To realign the RE2 Private Recreation Zone for the Bowling Club east of the proposed supermarket to better address the northern edge of the existing car park and the Bowling Club's northern property boundary.** This change is a technical change to accommodate a change in boundaries associated with the Bowling Club. It would ensure that publically owned parking is within a consistent zone.
5. **To realign RE1 Public Recreation Zone to provide larger area of park south of the proposed supermarket building.** As part of the change in site of the supermarket, additional lands are able to be rezoned to RE1. This would increase the land area of Cameron Park, a well-used town centre park.
6. **To rectify a small anomaly in the RE1 zoning to facilitate vehicular access through the existing parking area.** This change is a technical change to rectify an anomaly in the RE1 zone boundary, which erroneously picks up a small area of landscaping in the public carpark area. It would provide for a clear access path through the carpark under the SP2 zone.
7. **To realign a small anomaly adjacent to the entry to the bowling club to reflect cadastral boundaries.** This is a technical change to reflect a previous land swap between Council and the Club, and will alter a small portion of land, owned by the Club, adjacent to its entry from SP2 to RE2.

PART 2 – EXPLANATION OF PROVISIONS

It is noted that Parliamentary Counsel would be responsible for the legal drafting of the amendment provisions.

Zoning Map

The following table sets out land affected and proposed zonings.

Land	Current Zoning	Proposed Zoning
Pt Lot 102 DP1189229 Owned – Metcash Food & Grocery Pty Ltd Small portion of existing Centenary Drive Car Park now not required at northern end of car park, and	B2	SP2
additional areas to be re-incorporated into Cameron Park	B2	RE1
Pt Lot 103 DP1189229 Owned by Council – represents small garden in Cameron Park opposite Bowling Club entry now proposed as part of service access, and	RE1	SP2
zoning the new site of the relocated supermarket	SP2	B2
zoning existing car park at north of bowling green to reflect current usage and ownership – rectifying an existing zoning anomaly	RE2	SP2
Lot 1 DP433991 Owned by Chums Investment - proposed Morven St car park	B2	SP2
Lots 1 & 2 DP796925 Owned by Chums Investments – proposed Morven St car park	B2	SP2
Lot 1 DP119822 Owned by Chums Investments – proposed Morven St car park	B2	SP2
Pt Lot 100 DP 1110269 Owned by Maclean and District Bowling Club Cooperative – rectify an existing anomaly	SP2	RE2

Height of Building Map

The following changes are proposed to the Height of Building Map:

- Pt Lot 103 DP1189229 (Owned by Council and now the site of the relocated supermarket) – add 9.0 metre height limit.

- Pt Lot 102 DP1189229 (Owned by Metcash Food and Grocery Pty Ltd) – delete height limit from area to be retained as car parking.

As shown on the proposed Height of Building Map.

PART 3 – JUSTIFICATION

Section A. Need for the Planning Proposal

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

The adopted Lower Clarence Retail Strategy 2007 and Maclean Urban Catchment Local Growth Management Strategy 2011 address retail development. In particular, it acknowledges the need for a supermarket in the Maclean Central District Centre (p 27 of Lower Clarence Retail Strategy 2007). On Page 46, it identifies that Supermarket may be located on the Council Car Park in Town Centre, which would be the location for the proposed supermarket.

The Planning Proposal is consistent with the Lower Clarence Retail Strategy 2007 and Maclean Urban Catchment Local Growth Management Strategy 2011, which underpin Clarence Valley LEP 2011. Specific justification for each of the proposed changes is outlined In Part 2 of this Planning Proposal.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is required for statutory reasons.

Is there a net community benefit?

A Supermarket has benefits to the community by supplying day-today goods and groceries for the surrounding households. It is submitted that the proposed development would provide a net community benefit to people living close to Maclean Town Centre. Further, the proposed development would address the urgent need of supermarkets in the Maclean Central District Centre (p 27 of Lower Clarence Retail Strategy 2007).

The proposed changes from the existing zonings would provide for:

- A better relationship of car parking areas to both existing and proposed development;
- An increase in overall parking provision;
- All parking being able to be provided “at grade” for easier access and better shared use between retail facilities;
- Improved service vehicle access clear of private lands;
- Better 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.

Minimal externalities are seen from the proposal, apart from a modest increase in traffic, which should be comfortably accommodated within the existing road network capacity. This would be unchanged as compared to the previous proposal.

Section B. Relationship to Strategic Planning Framework

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 land is subject to the Mid North Coast Regional Strategy. The proposal is consistent with the strategy in that it would represent a minor development of existing urban lands, with minimal

environmental consequences. It would provide for enhanced retail services which would contribute to employment growth within and the retention of expenditure within the major town of Maclean by providing additional services. It would assist in the further development of Maclean as compared to out of centre and dispersed locations. It is consistent with the aim of ensuring the majority of commercial development is located in existing commercial centres.

Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The proposal is consistent with the *Lower Clarence Retail Strategy 2007* and *Maclean Urban Catchment Local Growth Management Strategy 2011*.

The proposal has been reviewed against the Lower Clarence Retail Strategy 2007 and the Maclean Urban Catchment Local Growth Management Strategy 2011 for Maclean. The site is located adjoining the Maclean Town Centre.

The proposed supermarket development is consistent with the Local Strategy in that it would help to improve accessibility to local services like groceries, which are currently available only at other centres (p 11). This would provide benefit to the people living in Maclean as they would travel less distance to get access to groceries.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (refer to Table 2).

Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is consistent with the applicable Section 117 Directions, with the exception of 1.1 where the departure is justified by consistency with a Retail Strategy adopted by the Council, and the departure is of minor significance (refer to Table 3).

Section C. Environmental, Social and Economic Impact

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?

The site is existing urban land including carparking and urban parkland. No impacts would occur to critical habitats, threatened species, populations or ecological communities.

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

Environmental effects would be minimal. The local road system is easily able to accommodate the additional vehicle volumes and the site is well-removed from residential properties in terms of acoustic impacts. Standard EPA requirements regarding noise would be applied. Suitable conditions can be applied to any development application to address traffic and noise issues.

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

The development would produce a net social benefit associated with providing daily goods and groceries to the community through provision of a supermarket, which would also create employment opportunities.

It is noted that parking has been one of the major issues for Maclean Town Centre, where a perceived inadequate parking has been seen to lead to shopping leakage to Grafton, Yamba and Ballina (p 29 of Lower Clarence Retail Strategy 2007). The proposed development would include additional parking over and above that necessary to support the proposed supermarket, which would assist to reduce the issue of shopping leakage to the other town centres.

The proposal is considered to have positive social and economic impacts.

Section D. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Road infrastructure to serve the proposal is adequate. Access would be obtained from the existing Centenary Drive, Argyle St, River St and Stanley St and through Council carparks. Adequate urban services in terms of power, water, drainage and sewer are available to serve the needs of the development.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

No Gateway determination has yet issued. Consultation would be undertaken in accordance with any provisions of the Gateway determination. No consultations have been considered necessary prior to Gateway, as the proposal is a minor amendment to a previously approved rezoning.

PART 4 – MAPPING

Proposed mapping changes are as described in the Appendix.

PART 5 – COMMUNITY CONSULTATION

Community consultation would be undertaken in accordance with any Gateway determination. A preliminary community information session has been held by the proponent on Wednesday 19th November to advise of the main aspects of the proposal. It is proposed that exhibition be for 28 days as a “medium level” proposal.

PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in Table 1.

Table 1 - Project Timeline

Task	Anticipated timeframe
Date of Gateway Determination	March 2015
Completion of required technical information, studies	Completed
Government agency consultation (pre exhibition as required by Gateway Determination)	March/April 2015
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	Not anticipated
Commencement and completion dates for public exhibition.	April 2015
Dates for public hearing	Not anticipated
Consideration of submissions, report from public hearing and Planning Proposal post exhibition	May 2015
Date of submission of proposal to Department to finalise the LEP.	June 2015

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs apply to the Clarence Valley LGA, as at 9 October 2014. These are as set out in Table 2, below:

Table 2 – SEPPs applying to Clarence Valley LGA

SEPP	Relevant	Consistent	Comment
No. 9 Group Homes	No	N/A	The proposal would not affect items addressed by the SEPP.
No. 16 Tertiary Institutions	No	N/A	The proposal would not affect items addressed by the SEPP.
No. 32 Urban Consolidation (Redevelopment of Urban Land)	No	N/A	The proposal would not lead to the re-development of urban land as described in the SEPP.
No. 33 Hazardous and Offensive Development	No	N/A	The proposal would not create any hazardous and offensive industries as described in the SEPP.
No. 36 Manufactured Home Estates	No	N/A	The proposal would not affect items addressed by the SEPP.
No. 44 Koala Habitat Protection	Yes	Yes	No native trees exist on the site, which consists of car parks and urban park areas. No koala habitat is present or would be affected.
No. 50 Canal Estate Development	No	N/A	Proposal would not affect canal estate.
No. 55 Remediation of Land	Yes	Yes	The land has been in urban uses (park and carpark) and there are no known contamination triggers. The land would be used for a relatively insensitive use (retail building and carparking). No further investigation is considered necessary.
No. 62 Sustainable Aquaculture	No	N/A	The site is not located on coastal zone, which would not trigger the referral requirements under SEPP 62.
No. 64 Advertising and Signage	Yes	Yes	Any subsequent development on the land would need to be consistent with the SEPP. This would be addressed as part of any DA.
No.65 Design Quality of Residential Flat Development	No	N/A	Proposal would not affect items addressed in the SEPP.
Affordable Rental Housing	No	N/A	Proposal would not affect items addressed in the SEPP.

SEPP	Relevant	Consistent	Comment
Building Sustainability Index: BASIX 2004	No	N/A	Proposal would not affect items addressed by the SEPP.
Exempt and Complying Development Codes 2008	No	N/A	Proposal would not affect items addressed by the SEPP.
Infrastructure (2007)	Yes	Yes	Some minor roadworks affecting public roads would be able to be carried out without consent. The proposal would not require referral to the RMS as total area is below 2500m ² .
Major Development (2005)	No	N/A	Proposal would not affect any state significant sites
Mining, Petroleum Production and Extractive Industries (2007)	No	N/A	Proposal would not affect items addressed by the SEPP.
Miscellaneous Consent Provisions (2007)	Yes	Yes	The proposed development is in conjunction with a development application which would require a development consent. Wording would be interpreted in accordance with the SEPP, if required.
Number of Storeys in a Building	Yes	Yes	The proposal facilitates the erection of buildings that conform to the topography of the land on which the buildings are proposed to be erected. No planning controls relating to number of storeys apply.
Rural Lands (2008)	No	N/A	The site does not include any rural lands.
State and Regional Development (2011)	No	N/A	Proposal would not affect items addressed by the SEPP.
Urban Renewal (2010)	No	N/A	Land is not within an urban renewal precinct.

SECTION 117 DIRECTIONS

The planning proposal is consistent with the applicable Section 117 directions. Refer to the Checklist against the Section 117 Directions set out in Table 3, below.

Table 3 – Section 117 Directions Consistency

1. Employment and Resources

Direction	Relevant	Consistent	Reason
1.1 Business and Industrial Zones	Yes	No	The proposal would slightly reduce the existing area of the B2 Zone, by some 1109m ² . Consideration has been given to the objectives of this Direction, and also to the retail strategy adopted by the Council. In particular, the proposal would better support the viability of the existing Maclean centre through both the provision of a supermarket and the provision of additional at-grade parking. Reduction of the existing B2 Zone area is not consistent with the directions, however the change in zoned area is technical, and is primarily related to the zoning of additional carpark areas, which are currently zoned B2, to the SP2 zone, as well as zoning a small area of additional land to RE1. This is brought about through the change in the proposal from one with undercroft parking to one with “at grade” parking which has necessitated a site re-design and the identification of additional long-term parking areas. The overall commercial development footprint of the proposed supermarket, which provides for 2000m ² of floorspace, would remain unchanged. The proposal is inconsistent, however it is supported by the Council Retail Strategy and further is considered to be of only minor significance.
1.2 Rural Zones	No	N/A	Does not apply to any of the land within the proposal
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	No changes to these industries are proposed.

Direction	Relevant	Consistent	Reason
1.4 Oyster Aquaculture	No	N/A	Does not apply to any of the land within the proposal
1.5 Rural Lands	No	N/A	Does not apply to any of the land within the proposal

2. Environment and Heritage

Direction	Relevant	Consistent	Reason
2.1 Environment Protection Zones	No	N/A	Proposal would not alter provisions relating to protection and conservation of environmentally sensitive areas.
2.2 Coastal Protection	No	N/A	Appendix C of the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997 sets out those matters of the Policy most relevant to the making of a LEP and which should be given consideration. These matters are set out in Appendix F. The Coastal Design Guidelines 2003 do not contain anything of direct relevance to the Planning Proposal, apart from the Proposal's compliance with the statement: <i>"Larger settlement types, such as cities and towns, are ideal locations for major new commercial, retail and employment generating developments because they have economic, service and social infrastructure which can support increased activity."</i>¹ No coastal management plan has been prepared which encompasses the Maclean Township. Notwithstanding, the Planning Proposal is considered of minor significance, given it is a relatively small site located within the Maclean Town Centre, which is also distant from the edge of the Clarence River.
2.3 Heritage Conservation	Yes	Yes	The proposal would not alter existing provisions related to the conservation of heritage items. The land is affected by a

¹ Page 8 Coastal Design Guidelines for NSW (Coastal Council of NSW, Urban Design Advisory Service and Tourism New South Wales.

Direction	Relevant	Consistent	Reason
			heritage conservation area, and this would remain unchanged.
2.4 Recreation Vehicle Areas	No	N/A	The Proposal would not affect existing restrictions on development of land for recreational vehicles.

3. Housing, Infrastructure and Urban Development

Direction	Relevant	Consistent	Reason
3.1 Residential Zones	No	N/A	Does not apply to any of the land within the proposal
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	Does not apply to any of the land within the proposal
3.3 Home Occupations	No	N/A	Does not apply to any of the land within the proposal
3.4 Integrating Land Use and Transport	Yes	Yes	The proposal is consistent with the policy in that it seeks to provide additional retail development within an existing centre.
3.5 Development Near Licensed Aerodromes	No	N/A	Does not apply to any of the land within the proposal
3.6 Shooting Ranges	No	N/A	Does not apply to any of the land within the proposal

4. Hazard and Risk

Direction	Relevant	Consistent	Reason
4.1 Acid Sulfate Soils	Yes	Yes	The land is within an identified acid sulphate soil area. The subject land is identified as having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning. Coffey Geotechnics Pty Ltd has undertaken a preliminary investigation of the geotechnical conditions of the subject land. In relation to potential acid sulfate soils they advise: <i>"If planned construction activities include excavations on the eastern site boundary it is recommended that an ASS</i>

Direction	Relevant	Consistent	Reason
			<i>Management Plan is prepared for the treatment and management of these PASS materials. The horizontal extent of the PASS soils is shown on Figure 3. The implementation of this plan and the treatment of these soils with agricultural lime following their excavation will be required to prevent formation ASS. Options for removal of this treated ASS material include applying to the NSW Office of Environment and Heritage (OEH) for a site specific exemption for treated low grade ASS to be removed as ENM. Alternatively, the treated PASS material may be excavated and managed separately from the ENM material and removed from site for disposal to landfill. However, these measures will not be required if no construction excavations are to occur in this eastern area of the site."</i> It is also of note that the instrument (CVLEP 2011) to be amended by the rezoning contains adequate provisions (clause 7.1) to ensure that subsequent development of the site is properly managed having regard to the potential presence of acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No	N/A	Land is unaffected by mine subsidence
4.3 Flood Prone Land	Yes	Yes	Flooding within the Maclean Township was given particular consideration in the Grafton and Lower Clarence Floodplain Risk Management Plan. The findings and recommendations from this Plan have informed clause 7.3 Flood planning within CVLEP 2011, which will regulate future development (in terms of flooding) on the subject land. The proposed approach to flooding for the site would ensure that subsequent development would be consistent with the Flood Planning Level associated with the site, and has taken into consideration both the local catchment and the wider catchment of the Clarence Valley.

Direction	Relevant	Consistent	Reason
			The building would be constructed to resist the Flood Planning Level event, through the use of mounding, transom walls and flood barriers on doors.
4.4 Planning for Bushfire Protection	Yes	Yes	Land is not in proximity to bushfire prone land. No bushfire measures are required.

5. Regional Planning

Direction	Relevant	Consistent	Reason
5.1 Implementation of Regional Strategies	Yes	Yes	The land is subject to the Mid North Coast Regional Strategy. The proposal is consistent with the strategy in that it would represent a minor development of existing urban lands, with minimal environmental consequences. It would provide for enhanced retail services which would contribute to employment growth within and the retention of expenditure within the major town of Maclean by providing additional services. It would assist in the further development of Maclean as compared to out of centre and dispersed locations. It is consistent with the aim of ensuring the majority of commercial development is located in existing commercial centres.
5.2 Sydney Drinking Water Catchments	No	N/A	Land is not within a water catchment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Land is not farmland and is not on the NSW Far North Coast
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Land is not on the Pacific Highway
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Land is not within the relevant area

6. Local Plan Making

Direction	Relevant	Consistent	Reason
6.1 Approval and Referral Requirements	Yes	Yes	These would remain unchanged.
6.2 Reserving Land for	Yes	Yes	No land reserved for public purposes is

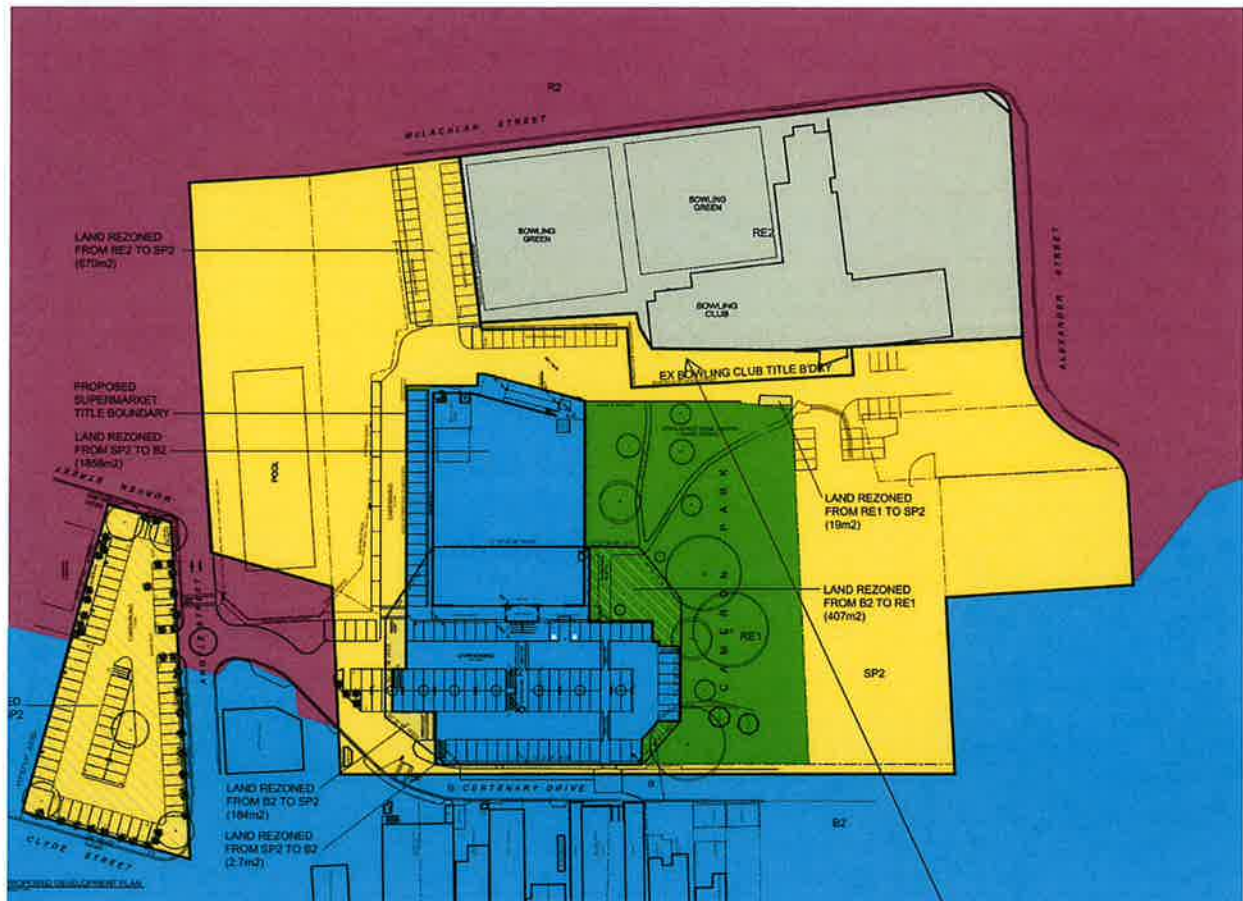
Direction	Relevant	Consistent	Reason
Public Purposes			affected. The proposed development would slightly enlarge the area of the existing public park. The existing RE1 zone would be realigned to accommodate the proposed development.
6.3 Site Specific Provisions	No	N/A	None apply to the site.

7. Metropolitan Planning

Direction	Relevant	Consistent	Reason
7.1 Implementation of the Metropolitan Strategy	No	N/A	Land is not within the Metropolitan area

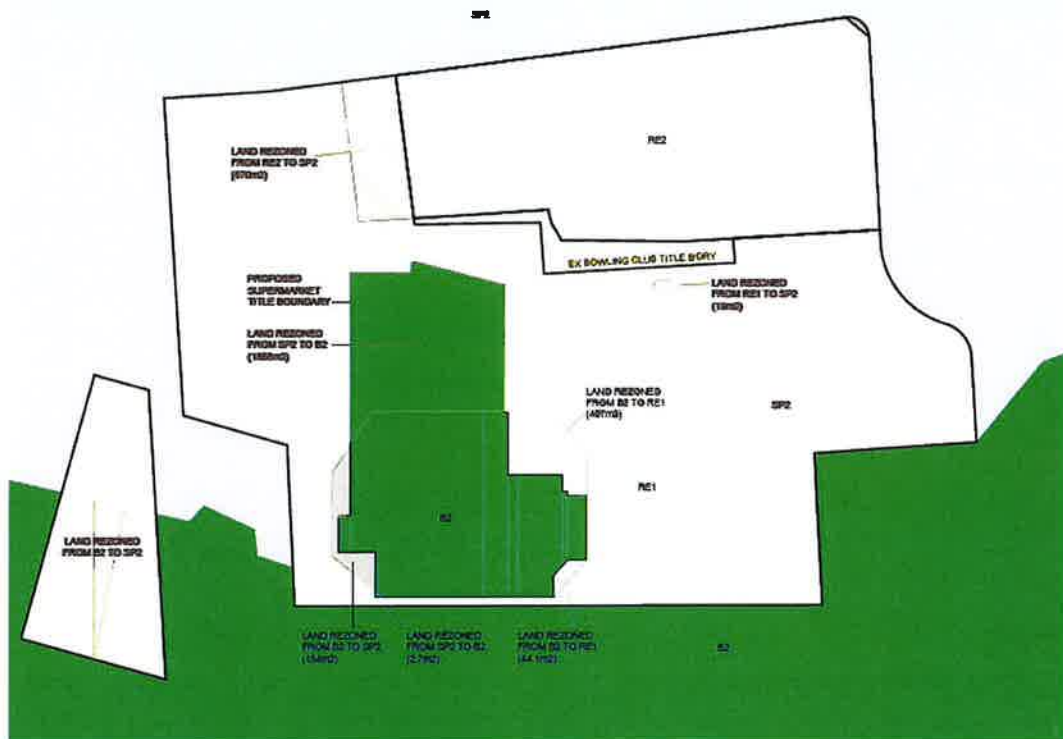
APPENDIX – PROPOSED MAPS

Indicative Zoning Map



Area to be rezoned to RE2

Height of Building Map



ITEM 13.010/15 PLANNING PROPOSAL – MACLEAN IGA SUPERMARKET

Meeting	Environment, Planning & Community	10 February 2015
Directorate	Environment, Planning & Community	
Submitted by	Director - Environment, Planning & Community (Des Schroder)	

SUMMARY

<i>Applicant</i>	Wakefield Planning
<i>Owner</i>	Metcash Food & Grocery Pty Ltd (Lot 102 DP1189229, Centenary Drive car park site) Chums Investments Pty Ltd (Lot 1 DP433991 No. 1 Argyle St, Lots 1 & 2 DP796925 No. 1 Morven St, Lot 1 DP119832 No. 3 Morven St) Clarence Valley Council (Lot 103 DP1089229, being part Cameron Park and part car park) Maclean and District Bowling Club Cooperative (part Lot 100 DP 1110269)
<i>Address</i>	Centenary Drive, Argyle & Morven Streets, Maclean
<i>Submissions</i>	N/A at this stage

Council is in receipt of a combined Planning Proposal (rezoning) and development application (DA) for a revised IGA supermarket proposal at Maclean. A rezoning to facilitate a development application and sale of the Centenary Drive car park for an elevated supermarket occurred in 2013-2014. The proponents have now revised their proposal in preference of an at grade supermarket located nearer the swimming pool and bowling club, occupying only a part of the Centenary Drive car park site as well as that part of Cameron Park previously approved to be reconstructed as public car park. The proposal also involves the construction of car parking on another site nearby at the corner of Argyle, Morven and Clyde Streets with a change in the zoning of that site back from B2 Local Centre to an SP2 Infrastructure zone.

The Environmental Planning and Assessment Act facilitates a joint Planning Proposal and DA however, the development application cannot be determined if and until the Planning Proposal has been determined. This report addresses the Planning Proposal component of the application in accordance with the Department Planning and Environment's Guidelines. More detailed assessment of the specific revised proposal will be undertaken as part of the DA consideration, which will occur separately.

At this stage, Council needs to consider whether the proposal has sufficient merit in order to allow the necessary change in zoning of the land to be considered, first by the Planning Gateway and then through the public exhibition process.

OFFICER RECOMMENDATION

That Council :

1. As the relevant planning authority, initiate the Local Environmental Plan "Gateway" process pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by endorsing the attached Planning Proposal, as amended by Item 2 below, over Part Lot 102 DP1189229, Part Lot 103 DP1189229, Lot 1 DP433991, Lots 1 and 2 DP796925, and Lot 1 DP119832, generally being No. 3 Centenary Drive, and Nos 1-3 Morven Street, and No. 1 Argyle Street, and part of Cameron Park, Maclean.
2. Amend the attached Planning Proposal to rezone part of Lot 100 DP1110269, owned by the Maclean and District Bowling Club Cooperative, from SP2 to RE2, to rectify an existing zoning anomaly arising

from a past land swap with Council.

3. Forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.
4. Undertake community consultation in accordance with the Gateway requirements.

Having declared a pecuniary interest, Cr Baker left the Environment, Planning & Community meeting at 7.53 pm.

Cr Toms left the Environment, Planning & Community meeting at 7.54 pm.

COMMITTEE RECOMMENDATION

Williamson/Howe

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Howe, Hughes, McKenna

Against: Nil

Cr Baker returned to the Chamber at 7.58 pm.

Cr McKenna called a short break to the Environment, Planning & Community meeting at 7.58 pm. The meeting resumed at 8.05 pm.

Having declared a pecuniary interest, Cr Baker left the Council meeting at 6.17 pm.

COUNCIL RESOLUTION - 13.010/15

(Crs Williamson/Toms)

That Council :

- 1. As the relevant planning authority, initiate the Local Environmental Plan "Gateway" process pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by endorsing the attached Planning Proposal, as amended by Item 2 below, over Part Lot 102 DP1189229, Part Lot 103 DP1189229, Lot 1 DP433991, Lots 1 and 2 DP796925, and Lot 1 DP119832, generally being No. 3 Centenary Drive, and Nos 1-3 Morven Street, and No. 1 Argyle Street, and part of Cameron Park, Maclean.**
- 2. Amend the attached Planning Proposal to rezone part of Lot 100 DP1110269, owned by the Maclean and District Bowling Club Cooperative, from SP2 to RE2, to rectify an existing zoning anomaly arising from a past land swap with Council.**
- 3. Forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.**
- 4. Undertake community consultation in accordance with the Gateway requirements.**

Voting recorded as follows

For: Councillors Williamson, Lysaught, McKenna, Hughes, Howe, Toms, Kingsley

Against: Councillor Simmons

Cr Baker returned to the Council meeting at 6.25 pm.

The Ordinary Council meeting adjourned at 6.25 pm and resumed at 6.37 pm.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

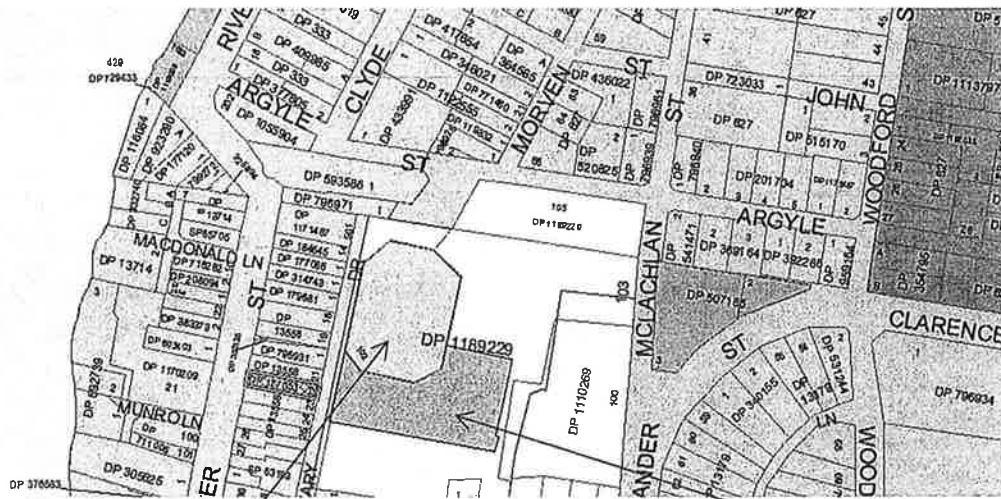
Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

The current zoning of the site and locality is depicted below. Relevantly, the current configuration is a result of two separate amendments to the Clarence Valley LEP 2011 arising from the currently approved supermarket proposal:

- Amendment No. 5 notified 20/3/2013, rezoned Lot 102 DP1089229, being the Centenary Drive car park, from SP2 Infrastructure, to B2 Local Centre
- Amendment No. 6 notified 20/12/2013, rezoning that part of Cameron Park not intended by Council to be utilised for car parking from SP2 Infrastructure to RE1 Public Recreation.



CVLEP 2011 (Amend No. 5)

CVLEP 2011 (Amend No. 6)

Development Application No. DA2012/0225 was approved by Council at its meeting held on 16 April 2013. This consent provided for, inter alia, the erection of an elevated 2,000 square metre supermarket with parking underneath on what is now Lot 102 DP1189229, being the area rezoned to B2 under CVLEP 2011 (Amend No. 5). Council subsequently resolved to construct public car parking on the northern part of Cameron Park, immediately to the east of the proposed supermarket and to rezone the balance of Cameron Park to a recreation zone (CVLEP 2011 (Amend No. 6)).

Council, at its meeting held on 9 December 2014 resolved, as landowner to endorse the lodgement of the Planning Proposal and DA in order to allow those planning processes to proceed.

KEY ISSUES

Planning Changes Sought

As detailed in the Planning Proposal, it is proposed to make the following changes to the Clarence Valley LEP 2011.

Changes to the relevant Land Zoning Map:

Land	Current Zoning	Proposed Zoning
Pt Lot 102 DP1189229 Owned – Metcash Food & Grocery Pty Ltd Small portion of existing Centenary Drive Car Park now not required at northern end of car park, and	B2	SP2
additional areas to be re-incorporated into Cameron Park	B2	RE1
Pt Lot 103 DP1189229 Owned by Council – represents small garden in Cameron Park opposite Bowling Club entry now proposed as part of service access, and	RE1	SP2
zoning the new site of the relocated supermarket	SP2	B2
zoning existing car park at north of bowling green to reflect	RE2	SP2

This is Page 70 of the Minutes of the Ordinary Council Meeting of Clarence Valley Council on 17 February 2015.

Land	Current Zoning	Proposed Zoning
current usage and ownership – rectifying an existing zoning anomaly		
Lot 1 DP433991 Owned by Chums Investment - proposed Morven St car park	B2	SP2
Lots 1 & 2 DP796925 Owned by Chums Investments – proposed Morven St car park	B2	SP2
Lot 1 DP119822 Owned by Chums Investments – proposed Morven St car park	B2	SP2
Pt Lot 100 DP1110269 Owned by the Maclean and District Bowling Club Cooperative – rectifying an existing zoning anomaly	SP2	RE2

The following changes to the Height of Building Map:

Pt Lot 103 DP1189229 (Owned by Council and now the site of the relocated supermarket) – add 9.0 metre height limit.

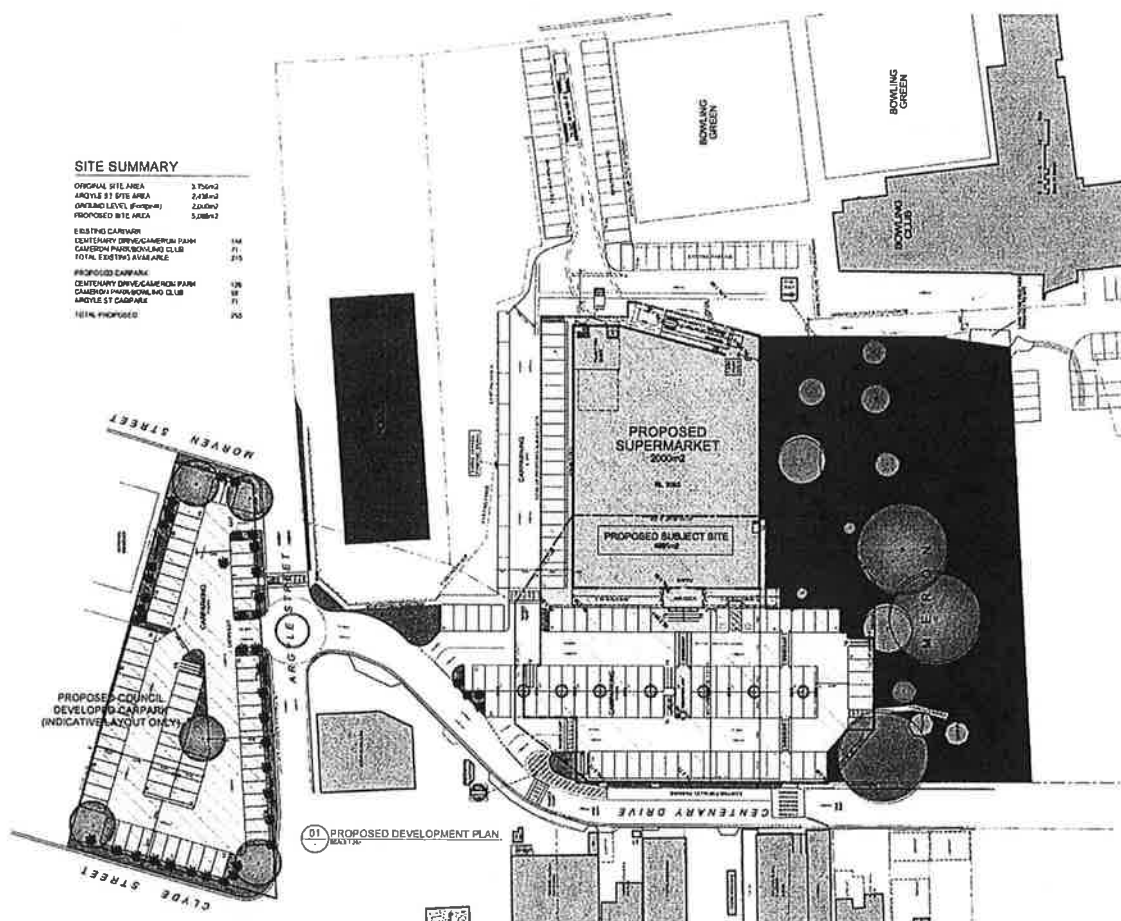
Pt Lot 102 DP1189229 (Owned by Metcash Food and Grocery Pty Ltd) – delete height limit from area to be retained as car parking.

Detailed zoning plans in accordance with the above will be prepared following the Gateway Determination.

The Revised Proposal

The proponents have now submitted a revised concept for their supermarket proposal, with the required Planning Proposal and DA. The following site plan (extracted from the car parking study submitted with the DA) details the now sought after configuration. It provides for a 2,000 square metre (gross lettable area) supermarket at ground level. The parking that previously, under the approved development consent, was to be located underneath the elevated supermarket, is now proposed to be located nearby at the corner of Clyde, Morven and Argyle Streets and handed over to Council following construction as a public car park. Whilst not legally necessary, it is proposed to formalise this arrangement through the LEP by rezoning that site back from a business zone (B2 – Local Centre) to an infrastructure zone (SP2 – car parking). Additional parking in order to meet that required under the approved development consent is proposed through reconfiguration of the Centenary Drive car park and around the site near the pool. Compared to the currently approved proposal, there will be a slightly lesser take up of Cameron Park required.

The proponent's Planning Proposal is at Attachment 1. Also attached, whilst part of a separate and more detailed consideration of the concurrent DA, is a Statement of Environmental Effects (Attachment 2) and Parking Study (Attachment 3), as these better inform the outcome intended from the rezoning.



The proponents are of the view that the revised proposal provides for a better planning outcome as compared with the approved proposal, summarised in the following extract from the Statement of Environmental Effects:

The development is consistent with the DCP and would be consistent with the proposed rezoning applying to the site. It is considered that the development represents a better design outcome for Maclean than the previous approval. In particular, the retention of the main car parking area adjoining Centenary Drive ensures that convenient access is maintained to both existing commercial centre and the proposed development. In addition, the proposed additional parking area north of Argyle Street, to be constructed by the council, would provide a significant additional parking resource within the area which would assist to offset the additional parking demands of the development.

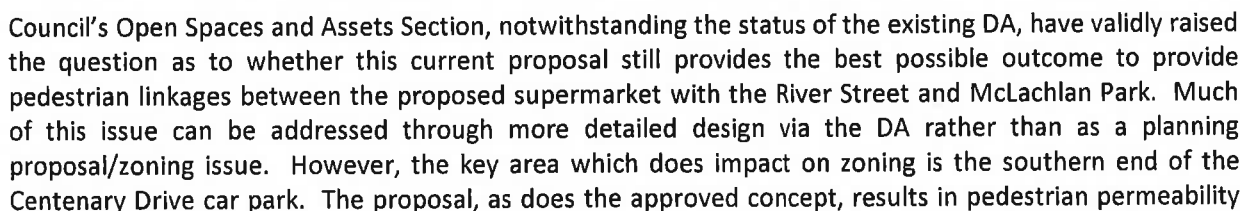
Although presenting in the modern idiom, the building is well-separated from the existing heritage of River Street and would not compromise any heritage issues associated with the existing townscape. Colours and materials have been selected to both break up the bulk of the built form and to provide "warm" coloration which is appropriate in the context.

Planning Outcome

As mentioned in the Background, Development Consent DA2012/0225 for an elevated supermarket structure on the Centenary Drive car park site was approved on 16 April 2013. This is a valid approval that can be activated by the proponents. Should this Planning Proposal and development application not proceed the proponents have the legal right to activate their current approval.

Hence, the key issue for this revised proposal is to consider whether the planning outcome it delivers is a better outcome than the approved concept or if it raises any new issues. Many of these issues (such as traffic, parking, circulation, servicing, pedestrian flows, aesthetic design, etc.) are matters for the DA. However, consideration of the rezoning requires Council (and the community through consultation) to be satisfied that the general concept and corresponding amendments to land zonings, is satisfactory such that a DA could reasonably expected to be approved, albeit subject to conditions.

The reconfiguration of the proposal provides an opportunity for a slightly lesser “land take” from Cameron Park. The following diagram from the Planning Proposal identifies these changes. The nett increase in open space zoning for Cameron Park is 432.3 square metres. This is mostly around the southern end of the Centenary Drive car park and includes the loss of a small garden (19 sq. metres) near the entry of the Bowling Club to enable better service vehicle access. Given the public interest in Cameron Park as expressed in the previous Planning Proposal and DA, this is a better planning outcome especially as the increased land returned to Cameron Park is in an area of high interest and activity.



from River Street through a car park (this time without a structure overhead), whereas there is an opportunity to delete some of the car parking at this area to convert to park usage.

Such an outcome really requires Council to “choose” between the perhaps competing values of maximising car parking versus maximising open space and pedestrian movement. The resultant loss of car parking would be up to about 25 spaces or less depending on the exact configuration. Whilst car parking is a significant issue should Council wish to proceed down this path it would be unreasonable to require the proponent to replace those spaces given the status of the existing approvals and the fact that this specific issue has not been previously raised. While the provision of parking attributed to the increased retail floor space and the nett replacement of existing public car spaces lost as a consequence of the development was a key consideration and requirement under the existing approval, it should be noted that the existing car parking provision has evolved over time historically and does not necessarily accord with defined standards.

Should Council wish to proceed with this issue as raised, it would require an amendment to the Planning Proposal to “square up” the B2 zoning at the southern end of the Centenary Drive car park with a resultant increased area to be zoned RE1.

While entirely valid to raise this matter at this instance as it is the last opportunity to do so, on balance it is considered unreasonable to make such an alteration at this time given the previous planning decisions. Attention to detailed design of the car park, surface treatments and the like can be incorporated into the DA. It is also relevant to note that Maclean, as a commercial centre, has or will have in the future under current planning, three CBD town parks (McLachlan Park, Cameron Park and the Riverside Plaza) and providing a sound balance between public places and land for commercial development is important.

Servicing and Vehicle Access

The most significant implication of the revised proposal is that it will take service vehicle access away from Centenary Drive as previously proposed, instead proposing access from the south off Wharf Street through the car park area adjacent to the Bowling Club entry, exiting via McLachlan Street. This takes traffic away from the areas of greatest pedestrian movement and potential conflict. The proposal provides for the same overall car parking outcome as previously approved. Council’s Development Engineer concurs with the proposed arrangements.

Design and Integration with the CBD

The proposal varies significantly from the approved concept in that it is now at ground level with its entry reorientated to face towards River Street (as opposed to an elevated structure with the entry facing south to Cameron Park). The shift slightly further west onto land approved by Council for car parking is not considered material and the benefits, both physically and “psychologically” of the at grade and reorientated design is considered to be significantly better. Combined with increased car parking at the Morven Street site, the proposal integrates in a pedestrian sense far better with the River Street and McLachlan Park precincts. In terms of design, an at grade structure will be far less imposing on the surrounding public places compared to the approved elevated design immediately at the rear of the River Street premises. While pedestrian access will still be predominantly through a car park, this is not uncommon and in this case, provides for far better permeability outcomes than the approved concept. Detailed design of these areas via the DA process to create shared pedestrian-vehicle spaces is possible and is important. The proposed architectural treatment is similar to the approved concept. Council’s heritage adviser is of the view that overall, the revised proposal offers a better outcome.

Rectifying an existing zoning anomaly

An existing zoning anomaly has existed since the preparation of the Clarence Valley LEP 2011. A land swap occurred, independent of the LEP process, between Council and the Bowling Club to rectify an encroachment from the Bowling Club entry onto Council's car park, and to acknowledge that public car parking to the north of the northern most bowling green was on Club land. This has resulted in part of the Club land at its entrance being zoned SP2 for car parking, whilst the publicly owned and maintained car park is zoned RE2 for private recreation. It is opportune to rectify this anomaly as part of this Planning Proposal. The Planning Proposal submitted by the proponents of the supermarket only partly reflects this anomaly and hence needs to be amended accordingly.

COUNCIL IMPLICATIONS**Budget/Financial**

No significant additional issues compared to existing. Council has previously considered, under separate report, its role as a land manager/owner and this aspect has not been considered as part of this report which is confined to planning matters.

Asset Management

Implications on asset management are a consideration for the DA. From a land zoning viewpoint, the revised Planning Proposal raises no additional asset implications compared to the existing zoning configuration.

Policy or Regulation

Relevant policies, both Council and via planning legislation, are addressed in the Planning Proposal.

Consultation

Internal consultation has been undertaken and is summarised below. External consultation with Government Agencies and the general public will occur if firstly Council support the revised Planning Proposal and then following a Gateway Determination for that revised proposal that authorises public exhibition. That Determination will specify the details of any consultation.

Due to legislative requirements, the DA will be advertised for comment separately and most likely in advance of any Gateway Determination.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Open Spaces and Assets	As raised in the body of this report, have raised a number of detailed aesthetic and pedestrian permeability issues which are DA considerations. The broader issue of the balance between car parking and the opportunity for greater connection between Cameron Park, the new supermarket and River Street is raised by this application as it provides the last opportunity to have this matter considered, and does impact on the configuration of land zonings. The potential to provide access through a well considered urban plaza/park rather than a car park is considered reasonable. As mentioned, any reduction on car parking based on such an assessment would be unreasonable to be burdened on the DA given the previous planning approvals.

Development Engineers	Have generally concurred with the revised proposal in particular the revised access arrangements which, whilst "tight" are considered workable and significantly better than the approved concept. Detailed design comments are appropriate for the development application.
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Legal and Risk Management

N/A

Prepared by staff member:	David Morrison
Approved/Reviewed by Manager:	Des Schroder
Section:	Strategic & Economic Planning
Attachment:	1. Planning Proposal 2. Development Application – Statement of Environmental Effects 3. Parking Study