

Clarence Valley LEP 2011 - Rezone 165 -169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential

Proposal Title : **Clarence Valley LEP 2011 - Rezone 165 -169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential**

Proposal Summary : **The planning proposal seeks to amend the Clarence Valley LEP 2011 by rezoning land at 165-169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential.**

This will enable the redevelopment of the site, a former plant nursery, into residential dwellings.

PP Number : **PP_2015_CLARE_007_00** Dop File No : **15/11820**

Proposal Details

Date Planning Proposal Received :	31-Jul-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 : **165-169 Cambridge Street**

Suburb : City : **South Grafton** Postcode : **2460**

Land Parcel : **Lots 2981, 2982 and 2983 DP 733046**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

Contact Number : **0267019688**

Contact Email : **jon.stone@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Terry Dwyer**

Contact Number : **0266430243**

Contact Email : **terry.dwyer@clarence.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Clarence Valley LEP 2011 - Rezone 165 -169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.37	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	8
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **This Planning Proposal aims to amend the zoning of the subject site to enable its redevelopment for residential purposes. Council has indicated the applicants wish to redevelop the existing nursery building on the site into 4 separate units and build two dwellings (duplexes) on each of the other lots (8 dwellings on the three lots). A adjustment of the existing lot boundaries is proposed to rectify a current encroachment of the existing building across a boundary.**

Parts of the land is subject to flooding in the 1:100 year event and all of the site is affected by the Probably Maximum Flood event.

Work will also be required on the site to remediate areas that have been identified as being contaminated due to the previous use of the land as a plant nursery. Council has indicated they wish this remediation to be completed before the rezoning of the land is completed.

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to the Clarence Valley LEP 2011.**

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

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

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

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 : **See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which adequately show the site, and the proposed zoning map changes for the LEP amendment.**

If supported, maps which comply with the Standard Technical Requirements for LEP Maps will be required prior to the LEP amendment being finalised.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal describes the proposed rezoning as a low impact proposal and recommends that a community consultation period of 14 days is appropriate.**

This is considered satisfactory.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

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

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council, if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for notification in July 2016. This appears to be an extended timeframe for the nature of this proposal but Council wish to ensure that remediation works on the site are completed prior to the finalisation of the LEP Amendment.

The proposed 12 month timeframe is supported.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

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

Assessment Criteria

Need for planning proposal :

This Planning Proposal is not the result of a specific study or report.

It will result in Lots 2981, 2982 and 2983 DP733046 to be rezoned from B1 Neighbourhood Centre to R1 General Residential. It is currently proposed that the existing former commercial building on the site be converted into 4 separate units and duplex developments be built on the other two lots. This would create 8 dwellings on the overall site. However, there is no assurance that this will be the final nature of the development on the site and an alternate development pattern may occur.

The original 3,672m² site was zoned Residential 2(a) under the provisions of the former Grafton Planning Scheme Ordinance. It is understood that in May 1986 Council approved the subdivision of the site into three lots. However the three lots were rezoned in early 1987 to 3(b) Special Development to facilitate the development of the site for a retail plant nursery. The site was zoned B1 Neighbourhood Centre under the Clarence Valley LEP 2011 when it commenced in December 2011. The plant nursery has since closed down.

The Planning Proposal only relates to the rezoning of the land. Other development controls on the site, including the minimum lot size and height of buildings are not proposed to be altered.

The Planning Proposal is necessary to facilitate the rezoning of the land.

Clarence Valley LEP 2011 - Rezone 165 -169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential

Consistency with strategic planning framework :

Mid North Coast Regional Strategy

This Planning Proposal is consistent with the Mid North Coast Regional Strategy as it provides additional land for residential development within a designated urban growth area.

Local Council Strategies

This Planning Proposal is consistent with the Clarence Valley Settlement Strategy that indicates that future residential development in the South Grafton area will comprise urban infill and small peripheral extensions.

State Environment Planning Policies

The Planning Proposal is consistent with all applicable State Environmental Planning Policies, including SEPP 55 Remediation of Land.

Section 117 Directions

The following S117 directions are applicable to the proposal, 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, and 5.1 Implementation of Regional Strategies.

Of the above s117 Directions the proposal is consistent with all Directions except for 1.1 Business and Industrial Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land.

1.1 Business and Industrial Zones

This Direction applies as the proposal does not retain the areas and locations of an existing business zone. This inconsistency is considered to be of minor significance due to the small area of land involved, the location of the site being remote from other business zones and the previous zoning of the land for residential purposes.

4.1 Acid Sulfate Soils

This Direction is relevant as the Planning Proposal will affect land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps (Class 5). The inconsistency with this Direction is considered to be of minor significance due to the size of the land parcel involved, the minor nature of any potential excavation of the site and as this issue can be adequately addressed at the development application stage through existing planning controls in the LEP.

4.3 Flood Prone Land

This Direction is relevant as the Planning Proposal alters a zone or a provision that affects flood prone land. Although the site has opportunity for flood free development, part of the land is subject to flooding. The Planning Proposal is inconsistent with this direction as it does not 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. This inconsistency is considered to be of minor significance due to the small area of land involved, provisions are already included in the Clarence Valley LEP 2011 and the proposal is consistent with the Grafton and Lower Clarence River Floodplain Risk Management Plan.

The Grafton and Lower Clarence River Floodplain Risk Management Plan makes broad strategic comment on how Council should address new development on a valley-wide basis. It states that "...Minimal infill development should be allowed within the floodplain, including areas surrounded by flood levees as overtopping and failure can occur". While the plan indicates that infill development can be allowed in areas protected by a levee, the development should be "minimal". It is considered that the redevelopment of this site is minimal infill development.

It is also considered that the Office of Environment and Heritage should be consulted on this Planning Proposal because of the flood prone nature of the land.

Environmental social economic impacts :

The rezoning of the subject land is likely to have minimal economic or social impacts on the community of South Grafton.

Clarence Valley LEP 2011 - Rezone 165 -169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential

The proposed alteration to the zoning and the intended construction of dwellings would not have a significant effect on threatened species, populations or ecological communities or their habitats from development of the site.

The site has been identified as having minor levels of contamination due to the former use as a plant nursery. A contamination assessment (attached to the Planning Proposal) identifies the site can be made suitable for redevelopment for residential use if remediation works are undertaken. Council, as part of their consideration of the Planning Proposal resolved to advise the proponent that prior to Council finalising the LEP amendment under section 59(1) of the Act, Council will require the actions recommended by the contamination assessment to be implemented and validated. This process is supported

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

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

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

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2015-07-31 Council cover letter.pdf	Proposal Covering Letter	Yes
2015-07-31 Planning Proposal Cambridge Street.pdf	Proposal	Yes
2015-07-31 Council meeting 21 July 2015 Cambridge Street.pdf	Proposal	Yes

Planning Team Recommendation

Clarence Valley LEP 2011 - Rezone 165 -169 Cambridge Street, South Grafton from B1 Neighbourhood Centre to R1 General Residential

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 12 months;**
- 4. Consultation with Office of Environment and Heritage be undertaken;**
- 5. Maps which comply with the Standard Technical Requirements for LEP Maps will be required prior to the LEP amendment being finalised.**
- 6. That an authorisation to exercise delegation be issued to Council;**
- 7. That the Secretary's delegate determine that the inconsistencies with s117 Direction 1.1 Business and Industrial Zones, 4.1 Acid Sulfate Soils 4.3 Flood Prone Land is justified as the matter is of minor significance.**

Supporting Reasons : **This Planning Proposal will facilitate the redevelopment of an abandoned plant nursery for residential purposes. It will also facilitate the efficient use of Council's existing utility services infrastructure. No significant adverse environmental, economic or social impact is considered likely due to the rezoning.**

Signature: _____

Printed Name: _____



Jim CLARK

Date: _____

6 August 2015

Team leader Local Planning

