

DA2021/0004

Clarence Valley Council LEP 2011

Application for Review 8.2

Section 64 Charges & Fees

DCS Building & Consulting

15th August 2021

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General Manager
Clarence Valley Council
2 Prince Street,
GRAFTON NSW 2460

Dear Carmen Landers

Re: REVIEW SECTION 8.2 – DA 2021/0004 - CAR WASH – 160 NORTH STREET

In response to determination DA2021/0004. The owner wishes to review the determination under Section 8.2 of the Act with respect to Advice to Applicant - Clause 5 and Conditions of Consent – Clause 25.

The Owner believes the respective clauses within the determination relating to Section 64 Fees and charges under the Local Government Act 1993 do not apply to developments created after the 1st July 2021 for Non-residential premises for water and sewer. Therefore, a review of this determination requiring contributions for Sewer and Water is not applicable in this instance/case.

Reason:

1. Determination of this proposal was approved the same day the policy changed to have the contributions collected on a yearly basis through the rates of the site based on a user pays philosophy.

Comments: Why wasn't the Owner contacted by council assessment team to notify that policy was about to change and have the DA processed after the 1st July under advisement from the Owner? A considerable amount of time and money by the Owner has been used in vain. Let alone councils time spent on the topic of discounting E.T's.

2. The decision to have one wash bay was based on paying Section 64 Fees and Charges upfront which equated to \$84,000 or \$336,000 for 4 bays. The Owner elected to have one wash bay based on the communications drawn from the following sources:

- a) DMU meeting dated 17th August 2020
- b) Additional Information Request dated 13th April 2021.
- c) Deputation Meeting on the 18th May 2021.

Comments:

At no stage was the owner or the applicant given any advice or notice on this matter relating to the amendment of Section 64 Charges and Fees. No discussion from councillors or assessment staff on changes to Section 64 policy was addressed. The business community should be notified that changes are pending to make good business decisions. The absence of good business management practices is boarding on neglect of duty to the public. Given the above analogy, the Owner is disappointed with the result. Which was stressed at recent meeting with the Mayor Mr J. Simmons and council official Mr Adam Cameron.

3. Purpose of Review.

The purpose of this review is to question the advice given to the Applicant – clause 5 & 9 and Conditions of Consent – Clauses 10 & 25 provided.

Comments:

- a) Council meeting adopted Non-residential water and sewer charges 6a.21.025.

- b) Council meeting addressing Car Wash opening hours, but not E.T's
- c) Determination on the same day as the adopted policy approved by councillors.
- d) The very fact that the discussion of reductions was introduced 14 months prior to a determination and the policy change.

Comments:

What no one within the planning department knew that changes were occurring?

4. Social and economic impacts:

The Carwash proposal will generate several jobs that would not normally be available to the Grafton community. The proposal adequately addresses the social and economic impacts by ensuring that development is consistent with other development on site.

Comments:

In the determination notes by the assessing officer, the economic impact has been understated. Any additional employment generated by business within the community is considered to be largely significant, especially to the younger generation, where families are split based on work availability. I think we can recognise that Grafton has this issue along with other regional areas. The owner of the site is attempting to create additional avenues of work through TAFE engaging trainees with respective business on site. And hopes to have this up and running in the near future.

5. Objective:

Have the Section 64 Fees and charges removed from the determination and subsequently be applied to adopt the new policy approved on the 1st July 2021 for Sewer and Water contributions to be calculated and applied as per council's meeting adopting 6a.21.025 Non-residential water and sewer charges.

Comments:

The owner feels this decision is erroneous and unwarranted and would like council to reassess the determination, given the timing of the Section 64 policy change and that contributions under the clause 5 be discarded and amended accordingly.

6. conclusion:

Therefore, the Owners seeks a determination under Environmental Planning Assessment Act 1979 Section 8.2 to request a review of the determination by council in relation to Lot 13, DP1120659, 160 North Street, Grafton for a Carwash against DA2021/0004.

Yours faithfully,

Dale Brushett
DCS Building & Consulting

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