

ITEM	6b.21.052	PLANNING PROPOSAL REZ2021/0001 - LOT 2 DP 839420, 2 SPRING STREET, SOUTH GRAFTON
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Meeting	Environment, Planning & Community Committee	20 July 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

Applicant/owner	Clarence Valley Council
Subject land	Lot 2 DP 839420, 2 Spring Street, South Grafton (former Information Centre site)
Current Zoning CVLEP 2011	SP3 Tourist
Proposal	To rezone the land from SP3 to B5 Business Development (B5)

This report seeks a Council resolution to submit a Planning Proposal (PP) to the Planning Gateway to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton, being the site of the former Information Centre, from SP3 to B5. This administrative resolution has been requested by the NSW Department of Planning, Industry and Environment (DPIE or the Department) in order for the PP to be considered by the Gateway.

OFFICER RECOMMENDATION

That Council:

1. As the Planning Proposal Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton from SP3 Tourist to B5 Business Development;
2. Forward the planning proposal to the Department requesting a 'Gateway' Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and
3. Not seek to be the local plan-making authority for this matter under Section 3.36 of the Environmental Planning and Assessment Act 1979.

MOTION – LAPSED FOR WANT OF A SECONDER

Clancy

That Council defer this item to the October 2021 meeting cycle to allow the new Council to decide if it wants to proceed with this proposal or to adopt a different approach to the use of the site.

COMMITTEE RECOMMENDATION

Novak/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Novak, Simmons, Williamson, Baker

Against: Clancy

COUNCIL RESOLUTION – 6b.21.052

Kingsley/Lysaught

That Council:

1. **As the Planning Proposal Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton from SP3 Tourist to B5 Business Development;**
2. **Forward the planning proposal to the Department requesting a 'Gateway' Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and**
3. **Not seek to be the local plan-making authority for this matter under Section 3.36 of the Environmental Planning and Assessment Act 1979.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson, Lysaught, Toms

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.6 Ensure decisions reflect the long-term interest of the community and support financial and infrastructure sustainability

BACKGROUND

Council on 28 July 2020 considered a report (Item 6c.20.109) on an offer for purchase of Lot 2 DP 839420, Spring Street, South Grafton being the former Information Centre. One of the resolutions made by Council was that “*Council appoint an independent party to prepare the Planning Proposal to rezone the land to B5 Business Development*”. A copy of the report considered by Council is at Attachment 1.

An independent planning consultant is engaged to prepare a planning proposal on Council’s behalf. This included supporting studies and documentation such as:

1. Site Contamination Assessment and Updated Site Contamination Report
2. Civil Engineering Report
3. Traffic Impact Assessment

The planning proposal (Attachment 2) was recently received by Council and forwarded to the Planning Gateway via the DPIE. The Department has advised that the July 2020 Council resolution ‘is too broad and cannot be taken to mean that Council wish to seek a Gateway determination’ and further, ‘given that the PP relates to Council owned land, having Council consider the PP and resolve to forward it to the Department for a Gateway determination is the most transparent course of action’.

KEY ISSUES

The planning proposal addresses a range of anticipated issues in supporting studies and assessments as follows:

1. Site Contamination Assessment and Updated Site Contamination Report (PP Appendix 5);
2. Civil Engineering Report (PP Appendix 6) addressing issues such as flooding, water quality, stormwater and infrastructure); and
3. Traffic Impact Assessment (PP Appendix 7)

The planning proposal does not facilitate a future development on the site that is likely to have any adverse impacts that cannot be adequately managed or mitigated.

Should the Council not support the Officers Recommendation then the PP will not proceed any further.

COUNCIL IMPLICATIONS**Budget/Financial**

Council will continue to have operational costs relating to the property until the property is disposed of. If a rezoning application is approved then associated costs will be expended from FP 995005 Property Management. The officer recommendation aims to improve the probability of the subject land returning a higher price and hence, value for the community, when the property is sold.

Asset Management

The property is currently listed on Council’s Assets and Maintenance Register and will remain until the property is disposed of.

Policy or Regulation

Disposal of Council Surplus Land and Buildings Policy

Consultation

There has been no external consultation at this stage. Should the proposal receive a positive gateway to proceed consultation and exhibition will be undertaken in accordance with the Gateway Determination.

Legal and Risk Management

The planning proposal is the commencement of a process that is ultimately aimed at reducing Council's risk of holding vacant and/or surplus property.

As Council is the owner of the land it is best practice that Council does not take on the role of the local planning authority under Section 3.36 of the Environmental Planning and Assessment Act 1979. This report contains a recommendation to this effect.

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
To be tabled	Attachment 1 - Council report and resolution - 28 July 2020 Attachment 2 - Planning Proposal
