



# **Clarence Valley Council**

Public Hearing Report  
Reclassification of land at  
300 Powell Street, Grafon

Lots 1 & 2 DP1270948

March 2024

# local  consulting

ABN: 73 140 973 735

**T** 0421 180 881  
**A** 1/27 River Street Woolgoolga NSW 2456  
**P** PO Box 53 Woolgoolga NSW 2456  
**E** info@localeconsulting.com.au  
**W** www.localeconsulting.com.au

## Document Control

Job Number: 2024/818

Job Name: Clarence Valley Council – Public Hearing

Client: Clarence Valley Council

Job Contact: Jasmine Oakes – Strategic Planner

Document Name: Public hearing report – Clarence Valley Council – REZ20230003

| Version | Date       | Authors / Approved | Reviewer        |
|---------|------------|--------------------|-----------------|
| 1       | 29.02.2024 | Emma Broomfield    | Steve Thompson  |
| 2       | 04.03.2024 | Emma Broomfield    | Emma Broomfield |

### Disclaimer:

Whilst care and diligence has been exercised in the preparation of this report, Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Locale Consulting Pty Ltd, their employees or sub-contractors.

# Contents

|     |  |   |
|-----|--|---|
| 1.  | Introduction                             | 4 |
| 1.1 | Purpose of this Report                   | 4 |
| 1.2 | Background                               | 4 |
| 2.  | Subject land and planning proposal       | 6 |
| 2.1 | The site                                 | 6 |
| 2.2 | Planning proposal and exhibition process | 6 |
| 3.  | Public hearing format and process        | 7 |
| 3.1 | Overview                                 | 7 |
| 3.2 | Council staff and councillors present    | 7 |
| 3.3 | Registration of speakers                 | 7 |
| 3.4 | Hearing format                           | 7 |
| 3.5 | Submissions                              | 8 |
| 4.  | Conclusion & next steps                  | 9 |
|     | Appendix A Public Hearing Presentation   |   |

# 1. Introduction

## 1.1 Purpose of this Report

The purpose of this report is to provide a record of the public hearing undertaken in association with the planning proposal to change the classification of land within the Clarence Valley local government area. This includes two parcels of land at 300 Powell Street, Grafton (Lots 1 and 2 DPI270948).

This report has been prepared by Emma Broomfield, Director Learning + Engagement at Locale Consulting, who was the independent chair of the public Hharing.

## 1.2 Background

Council is the owner of the land which is currently classified as community under the *Local Government Act 1993*. Council has prepared a planning proposal in order to reclassify this land from community to operational.

Council is also the owner of the adjoining land (Lot 21 DP712604) which is currently classified as operational land. This land contains the Grafton Sports Complex. Council currently leases this land to the Police Citizen & Youth Club (PCYC) under a peppercorn rent arrangement. The PCYC is fully responsible for the maintenance and upkeep of the facility.

When the Grafton Sports Complex was built it encroached upon Frank McGuren Reserve (see Figure 1). This Reserve is Crown land, with Council appointed as the Crown Land Manager.

In order to rectify an encroachment of the Grafton Sports Complex onto the Reserve and to ultimately sell the site together with the adjoining land to the PCYC, Council acquired the site from Crown Lands in 2022.

Council has entered into a contract for sale with the PCYC, but this cannot be executed until the reclassification is complete. The sale amount is \$1.10 (including GST) with a registered caveat that Council may acquire the land back for the same amount should the PCYC not provide recreational based activities to the community.



**Figure 1: Encroachment of Sports Grafton Complex onto Frank McGuren Reserve**  
(source: planning proposal)

It is understood that on completion of the sale, the PCYC will become the Crown Land Manager for the Reserve (subject to Ministerial approval).

Before the acquisition, Council resolved to classify the land as operational. However, it did not give public notice of its intent to do so. As such, the land was deemed to be community land.

The zoning of the site will not change.

## 2. Subject land and planning proposal

### 2.1 The site

As shown in Figure 2, the site is located at 300 Powell Street, Grafton (Lots 1 and 2 DP1270948) and is contained within the red boundary. The site was originally part of Frank McGuren Reserve and contains part of the Grafton Sports Complex (now known as the PCYC).



**Figure 2: Location of land to be reclassified**  
(source: planning proposal)

### 2.2 Planning proposal and exhibition process

On 6 December 2023 a delegate of the NSW Minister for Planning issued a gateway determination to Council for the planning proposal to proceed to the next step. The planning proposal was on public exhibition for feedback from 15 December 2023 to 29 January 2024. No submissions were received.

## 3. Public hearing format and process

### 3.1 Overview

As the planning proposal includes the reclassification of public land from community to operational, a public hearing was held under the *Local Government Act 1993*. This was independently Chaired and facilitated by Emma Broomfield of Locale Consulting.

The public hearing was held Wednesday, 21 February 2024 from 6.35pm to 7.05pm at the Council's Chambers. Council gave notice of the public hearing on its website and by direct notification.

### 3.2 Council staff and councillors present

The following Council staff were present at the hearing:

- Jasmine Oakes, Strategic Planner
- Dr Danny Parkin, Acting Co-ordinator Strategic Planning

No Councillors were present at the hearing.

### 3.3 Registration of speakers

Residents were asked to register to speak in advance of the hearing by contacting Council. One person registered to attend and speak at the hearing.

### 3.4 Hearing format

The format of the public hearing was as follows:

- Welcome and introduction by the Chair including an explanation of the land classification system under the *Local Government Act 1993*
- Overview of the context of the land to be reclassified
- Overview of the planning proposal
- Oral submissions by registered speakers
- Overview of next steps by the Chair
- Questions
- Close of hearing

The hearing process was Chaired by Emma Broomfield using a presentation as provided in Appendix A.

One person attended the hearing and made an oral submission. A summary of the submission is set out in section 3.5.

### 3.5 Submissions

Michelle Gilbert spoke in her capacity as secretary of the Grafton Ghosts who use the football fields and associated facilities at Frank MrGruen Reserve.

Michelle made a submission as follows:

- The Grafton Ghosts do not object to the land being reclassified to operational and sold to the PCYC.
- However, the Club has hundreds of players and is a big community and they want to make sure that there is security for the Club in the future. In particular, they are concerned about the security of their tenure in the future and would like this to be clarified and put in writing.
- The Grafton Ghosts have used for the Reserve for a long time. Over the years, the Club has improved the fields with infrastructure including the grandstands, canteen, bar, dressing sheds and toilets. Some of this infrastructure is located on the land that is to be reclassified. This land is known as “no mans land” as it has always been unclear as to who is responsible for it. Recently, the Club has spent around \$20,000 upgrading the home dressing shed and the PCYC has now built a gym over the top which is negatively impacting their use.
- There is nothing in writing about the terms of use of the Reserve by the Club and who is responsible for what. The Club pays for electricity and maintains (mows and fertilises) the field, which it is happy to continue doing.
- In the past, there have been issues arising due to the lack of clarity about who is ultimately responsible for the playing fields. For example, the Club had fertilised the playing fields and they were not meant to be used for two weeks. A group of OOSH kids were seen on the fields which was a safety concern.
- It is not clear who is ultimately responsible for the fields and it would be good to clear this up.
- Moving forward, the Club would like something in writing from the PCYC that gives certainty to their use of the Reserve (including the fields and associated facilities) and that they will work with the Club in keeping it safe. The Club is happy to sit down and ‘nut it out’ with the PCYC.



## 4. Conclusion & next steps

In conclusion, the public hearing and public exhibition process have revealed no reason as to why the reclassification should not proceed.

However, the hearing process has identified that there is a need to resolve the future tenure arrangements of the Grafton Ghosts over the Reserve given some of its facilities are located on the land to be reclassified and sold to the PCYC, and that the intention is for the PCYC to become the Crown Land Manager for the Reserve. Ideally this would be resolved prior to the sale of the land.

In accordance with legislative requirements, Council must make a copy of this report available to the community as part of its decision-making on whether to proceed with the reclassification.

## **Appendix A: Public hearing presentation**

# Public hearing



21 February 2024  
6.30pm – 7.15pm



Reclassification of public land  
Lots 1 and 2 DPI270948  
300 Powell Street, Grafton  
REZ2023/0003  
Planning proposal: PP-2023-2315

1

# Welcome and introduction

2

## Chair & facilitator



Emma Broomfield

3

## Hearing outline



- Reason for hearing
- Purpose of hearing
- Classification of public land
- Context
- Planning proposal
- Submissions
- Next steps

4

## Reason



Where Council proposes to reclassify public land, it has a **statutory obligation** to arrange a public hearing before making a decision

Section 29(1) of the Local Government Act 1993

5

## Purpose



The hearing is an **independent process** to hear and capture any community views about the proposed reclassification.

This helps inform Council's decision.

6

# Classification of public land

7

## Public land



All land in or under the control of Council is called 'public land'. It must be classified as either:

Community

Operational

The controls that apply to 'community' land are different to those for 'operational' land.

8

## Community

This is set aside for community use (e.g. parks & sportsgrounds). Its development and use is subject to **strict controls**:

- It cannot be sold
- It must have a plan of management
- There are restrictions on leasing and licensing

9

## Operational

This serves a commercial or operational function (e.g. offices, works depot, car park, sewage pump station, drainage reserves).

It has **no special restrictions** other than those that may ordinarily apply to any parcel of land.

10

## Process



A **planning proposal** is a legal mechanism local councils use to reclassify land.

11

## The site

12



# Land

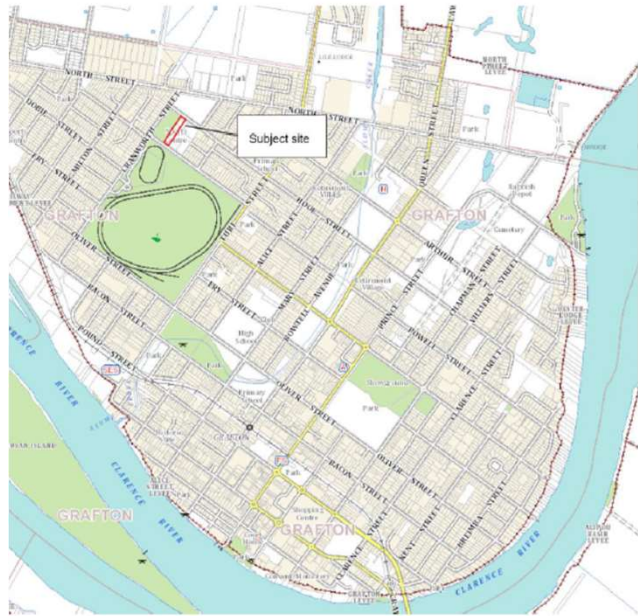
Lots 1 & 2  
DPI270948

300 Powell Street,  
Grafton



# Land

The land is approximately 1.8km north west of the Grafton CBD



# The context

15

## History

The land was originally part of Frank McGruen Park.

It was previously subdivided to rectify an encroachment of the Grafton Regional Sports Complex building.



16

## History

Council has been negotiating the acquisition of the land with Crown Lands for numerous years to rectify the encroachment of the sports complex and to transfer the property to the Police Citizens Youth Club.



### 8 February 2021

Plan of acquisition registered



### 30 March 2022

Land transferred to Council



### 13 December 2022

Council resolved to transfer the ownership of the land and facility to the PCYC.



All public reserve status and interests in the land were discharged during the compulsory acquisition process.

17

## Status of sports complex land

The land occupied by the Grafton Regional Sports Complex (Lot 21 DP 712604) is owned by Council and is currently classified as “operational land”.

Council currently leases this land to the PCYC under a “peppercorn” arrangement.

The PCYC is fully responsible for the maintenance and upkeep of the facility.

18

## Contract with PCYC

Council has entered into a contract for sale with the PCYC, but this cannot be executed until the reclassification is complete.

The sale amount is \$1.10(including GST) with a registered caveat that Council may acquire land back for the same amount should the PCYC not provide recreational based activities to the community.

19

**Planning  
proposal**

20

## Planning proposal process



21

## Reason for reclassification

The planning proposal states that the primary reason for reclassification is to enable the consolidation of the land with the neighbouring land (Lot 21 DP 712604).

The land and facility will then be transferred to the PCYC who currently operate the facility.

22

## Reason for reclassification

Before acquisition of the land, Council resolved to classify the land as operational, but there is no evidence that that Council publicly exhibited its intention to do so.

As such, the land is deemed “community land” and must be now reclassified to be transferred to the PCYC.

23

## Zoning controls

The land is currently zoned RE2 Private Recreation under Clarence Valley Council Local Environmental Plan. There are no proposed changes to the zoning controls.



24

# Oral submissions

25

## Guidelines



5 minutes  
per speaker

- State your interest in the proposal and where you live in relation to the site
- State whether you are speaking in a personal capacity or as a representative of a broader group or person
- Confirm if you have already made a written submission on the planning proposal
- If you agree with a previous speaker on a point, please state this rather than repeat the same point
- Refrain from making offensive, threatening or defamatory comments

26

# Next steps

27

## Next steps



Written report on hearing

Council will:

- make the report available to the public
- assess the submissions
- make a decision whether to proceed

28



# localé consulting

**T** 0419 700 401

**A** 1/27 River Street Woolgoolga NSW 2456

**P** PO Box 53 Woolgoolga NSW 2456

**E** [info@localeconsulting.com.au](mailto:info@localeconsulting.com.au)

**W** [www.localeconsulting.com.au](http://www.localeconsulting.com.au)