

New Council Depot at Rushforth Road, South Grafton (Lot 1 DP 557049) and to rectify a zoning anomaly at Lot 2 DP 521320

Proposal Title :	New Council Depot at Rushforth Road, South Grafton (Lot 1 DP 557049) and to rectify a zoning anomaly at Lot 2 DP 521320		
Proposal Summary :	To alter the labelled purpose of a site zoned SP2 Infrastructure on the land zoning map from 'Sewerage treatment plant' to 'Depot and public administration building'. This will enable the redevelopment of the site for a Council depot and administration facilities at Rushforth Road, South Grafton. The Planning proposal also seeks to correct a zoning anomaly on land at South Grafton High School, to rezone Lot 2 DP 521320, from SP2 Infrastructure(Sewerage treatment plant) to R1 General Residential.		
PP Number :	PP_2014_CLARE_005_00	Dop File No :	14/18303

Proposal Details

Date Planning Proposal Received :	28-Oct-2014	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 :	Rushforth Road		
Suburb :	South Grafton	City :	Postcode : 2460
Land Parcel :	Lot 1 DP 557049 and Lot 2 521320		

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 meeting with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met with any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists regarding this proposal.		

Supporting notes

Internal Supporting Notes : **Nil**

External Supporting Notes : **Nil**

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to:**

- 1. alter the labelled purpose of a site zoned SP2 Infrastructure on the land zoning map from 'Sewerage treatment plant' to 'Depot and public administration building'. This will enable the redevelopment of the site for a Council depot and administration facilities at Rushforth Road, South Grafton (Lot 1 DP 557049).**
- 2. to correct a zoning anomaly on land at South Grafton High School and rezone Lot 2 DP 521320, from SP2 Infrastructure (Sewerage treatment plant) to R1 General Residential.**

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

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

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The amendment to the Clarence Valley LEP 2011**

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intends to alter the labelled purpose of a site (Lot 1 DP 557049) zoned SP2 Infrastructure on the land zoning map from 'Sewerage treatment plant' to 'Depot and public administration building' and rezone Lot 2 DP 521320, from SP2 Infrastructure (Sewerage treatment plant) to R1 General Residential. The planning proposal adequately describes the issues as well as providing copies of proposed LEP maps.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

6.1 Approval and Referral Requirements

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 55—Remediation of Land

e) List any other matters that need to be considered :

Nil

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Yes. See the assessment section of his report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposal includes mapping which adequately shows which properties are affected by the proposed amendments.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA considers that the proposal is a low impact proposal. However, a twenty eight (28) day public exhibition period has been requested by the RPA due to Councils interest in the land.

The RPA will consult in accordance with Council's 'Consultation Strategy' which includes notification in the local newspaper, Councils website and written notification to affected and adjoining landowners.

It is considered a twenty eight (28) day public exhibition period is acceptable for public examination and comment on the proposal.

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 satisfies the adequacy criteria by;
1. Providing appropriate objectives and intended outcomes.**

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2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line which includes a completion date in 9 months. This is acceptable.
6. Completing the evaluation criteria for the delegation of plan making functions. While Council is the owner of the land and also the RPA, the site has been owned and utilised by Council for some time. Therefore delegation of plan making functions is acceptable for this Planning Proposal as a local matter.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

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

Assessment Criteria

Need for planning
proposal :

Parcel 1 – Lot 1 DP 557049:

Lot 1 DP 557049 currently contains inlet works, tanks, trickling filters, effluent discharge main, sludge digester and lagoon as well as a sewage pump station. However, the plant has recently been decommissioned and made redundant due to the Grafton Maclean Lawrence Townsend Harwill Sewerage Scheme.

The proposal relating to Lot 1 DP 557049, implements the recommendations of the Council report titled, 'Depot and Accommodation Rationalisation Project – Depot Site Selection, Conceptual Master Plans and Budget'. Council at its meeting on 16 September 2014, adopted the study and resolved that:

1. The site for the development of a new amalgamated Council works depot and administration building be Council's former Sewage Treatment Plant located at the corner of Rushforth Road and Tyson Street, South Grafton, described as Lot 1 DP 557049.
2. A planning proposal be prepared for Council's consideration to rezone the site from SP2 – Infrastructure to SP2 – Depot and Public Administration Building.

This report has been preceded and informed by earlier assessment work including the 'Future Land Use Assessment of Redundant Sewer Treatment Plants' (GHD, 2010). The proposal alters the labelled purpose of the site zoned SP2 Infrastructure in order to develop a Council depot and administration facilities, which is the most appropriate means of achieving the intent of the studies completed by Clarence Valley Council.

Parcel 2 – Lot 2 DP 521320

The proposal relating to Lot 2 DP 521320 is not a result of any strategic study or report and has arisen when examining Lot 1 DP 557049. The proposal corrects an anomaly and rezones Lot 2 DP 521320, from SP2 Infrastructure (Sewerage treatment plant) to R1 General Residential. The site is located at South Grafton High School and the proposed rezoning to R1 General Residential conforms with the zoning on the remainder of the site.

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Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS)

The proposed amendments are generally consistent with the Mid North Coast Regional Strategy. The proposed changes are of minor significance, and will either rectify anomalies or facilitate development that is consistent with the surrounding zone or suited to the physical characteristics of the site. The proposal is located within the town and village growth boundary.

Consistency with Council's Local Strategies

The Proposal is consistent with the RPA's local strategies or its community strategic plan including Council's 2014 - 2017 Delivery Program and 2014 - 2015 Operational Plan. The establishment of a new depot is an integral part of Council's overall Depot and Accommodation Rationalisation Project.

SEPPs

The proposal is consistent with the provisions of all applicable SEPPs relevant to the site. Any identified inconsistency is considered to be minor and justified, as detailed below.

SEPP 55

The land is identified to potentially contain contaminated soils, given that the land has historically been used for a sewage treatment plant and currently contains inlet works, tanks, trickling filters, effluent discharge main, sludge digester and lagoon as well as a sewage pump station. SEPP 55 is therefore applicable.

The RPA has commenced a Remediation Action Plan process. The investigations relating to potential contamination are proposed to be undertaken following the Gateway Determination or at DA stage. This is considered appropriate given the historical land uses of the site.

S117 Directions

The following 117 Directions are applicable to the planning proposal; 3.1 Residential Zones, 3.4 Integrating Land Use and transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land , 5.1 Implementation of Regional Strategies, 6.1 Approvals and Referral Requirements

Of the above s117 Directions the proposal is inconsistent with Directions 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land. However, the inconsistency of the proposal with the directions is considered minor in nature therefore justified as discussed in detail below.

Direction 4.1 Acid Sulfate Soils

Direction 4.1 Acid Sulfate Soils is relevant to certain aspects of the planning proposal. The direction states that a planning proposal shall not propose intensification of land uses on land identified as containing acid sulfate soils unless a study assessing the appropriateness of the land has been completed. The subject site is predominantly class 5 acid sulfate soils and a minor amount of class 3 acid sulfate soils.

The direction provides that a proposal may be inconsistent with the direction if the inconsistency is of minor significance. While the alteration of the labelled purpose of a site zoned SP2 Infrastructure is expected to enable an intensification of land uses the class 5 acid sulfate soils are the lowest risk class and provisions exist within the Clarence Valley LEP 2011 to address acid sulfate soils at development application stage. Therefore the inconsistency is considered to be of minor significance and justified in accordance with the terms of the direction.

4.3 Flood Prone Land

Direction 4.3 Flood Prone Land is relevant to the draft plan. The direction provides that a

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draft plan must not rezone land within a flood planning area to a residential zone or permit a significant increase in the development of that land. The draft plan proposes to rezone land below the 1 in 100 year flood level to enable development of a Council depot and administration facilities.

The direction states that the proposal may be inconsistent with the direction if the inconsistencies are of minor significance. No further studies have been undertaken to determine the effect of flooding on the property nor to address the risk to life or property from flood events. However, the areas affected by the 1 in 100 year flood is only 2.8% (1,350 m²) of the site area on Parcel 1 (Lot 1 DP 557049) and only 40m² is affected by the 1 in 100 year flood on Parcel 2 (Lot 2 DP 521320). Therefore there is significant scope to design any buildings and access to the site in areas not affected by the 1 in 100 year flood. In addition, provisions exist within the Clarence Valley LEP 2011 to address flood planning at development application stage.

The inconsistency of the proposal with the direction is therefore considered to be justified in accordance with the terms of the direction.

Environmental social
economic impacts :

The subject site has been disturbed significantly by previous land uses, leaving its ability to support flora and fauna populations very limited. The Planning Proposal states that the majority of the mature vegetation is non- native. The planning proposal will therefore not have any direct adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Similarly the planning proposal will not have any direct adverse effect on the natural, built or socio-economic environment.

The proposed amendment on Parcel 1 (Lot 1 DP 557049) which will enable an intensification of development over land will have the potential for indirect effects on the socioeconomic environments. The impacts on the built environment will include land use conflict, traffic impacts and amenity. It is expected that these matters can be addressed by the development assessment process on a case by case basis

The planning proposal has given consideration to economic impacts of the proposed amendments to the Clarence Valley LEP 2011. The RPA suggests that the economic impacts will be negligible as the amendments do not constitute a significant departure from the agreed strategic planning direction and is in the best interest of the community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2) (d) : **Department of Education and Communities**

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 :

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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

Planning Team Recommendation

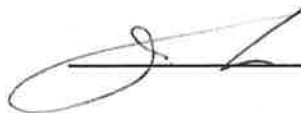
Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **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
 6.1 Approval and Referral Requirements

Additional Information : **It is recommended that;**
 1. The planning proposal should proceed as a minor planning proposal.
 2. The planning proposal is to be completed within nine (9) months.
 3. That a community consultation period of 28 days is necessary.
 4. That the RPA consult with the NSW Department of Education and Communities in relation to the proposed amendment that affect land owned or managed by this authority.
 5. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified in accordance with the provisions of the directions.
 6. A written authorisation to exercise delegation is issued to Clarence Valley Council in this instance to enable Council to make the plan.

Supporting Reasons : **The reasons for the recommendation are as follows;**
 1. The planning proposal is consistent with Council's broad strategic framework for redundant sewer treatment plant sites and the Mid North Coast Regional Strategy.
 2. The planning proposal will rectify an existing mapping error which identifies an incorrect zoning for land owned by South Grafton High School.
 3. The inconsistencies of the proposal with the S117 Directions are of minor significance.
 4. The proposal is otherwise consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.

Signature:



Printed Name:

JIM CLARK

Date:

10 November 2014