

ITEM	14.070/16	PLANNING PROPOSAL – GRAFTON DISTRICT GOLF CLUB, 425 BENT STREET, SOUTH GRAFTON
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Meeting	Environment, Planning & Community Committee	12 July 2016
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Strategic & Economic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Proponent</i>	A. Fletcher & Associates (Note: Planning Proposal document co-authored with R. Donges, consultant)
<i>Owner</i>	Grafton District Golf Club
<i>Subject land</i>	Part Lot 400, DP 1153969, 425 Bent Street, South Grafton
<i>Site area</i>	3.566 ha (area zoned R5 only)
<i>Current Zoning CVLEP 2011</i>	R5 Large Lot Residential (R5); lot size on map = 4000m ²
<i>Proposal</i>	Amend Clarence Valley Local Environmental Plan 2011 Lot Size Map to create two (2) new Lot Sizes of 1500 m ² and 1800 m ² , applicable to the part of the subject land leaving approximately 1.05ha remaining affected by the current 4000m ² lot size. Note: this is to facilitate the subdivision of the R5 zone on the land into 16 Residential lots.

Council has received a planning proposal for part of the Grafton District Golf Course land at Bent Street South Grafton that seeks to facilitate the creation of up to 16 residential lots via an amendment to the Clarence Valley Local Environmental Plan 2011 Lot Size Map. This represents the ability to create an additional 7 lots under the current R5 Large Lot Residential zoning and Lot Size map designation.

This report recommends that Council decline to support the planning proposal for reasons which include its lack of strategic consistency. While the additional seven lots proposed may be a relatively insignificant increase and has some justification from a servicing efficiency perspective, the outcome is inconsistent with the adopted strategic planning for the area which had followed an extensive consultation process during 2007-2011. The Planning Proposal provided little justification or new information to warrant a change to the adopted strategy which had proposed lot sizes on Bent Street to match that existing on the opposite side. This Planning Proposal effectively seeks to provide lots less than half that size.

OFFICER RECOMMENDATION

That Council decline to support the planning proposal for part Lot 400, DP 1153969, 425 Bent Street, South Grafton that seeks to change the Clarence Valley Local Environmental Plan 2011 Lot Size Map to create two (2) new Lot Sizes (of 1500m² and 1800m²) for the following reasons:

- (i) The planning proposal is inconsistent with the:
 - (a) Mid North Coast Regional Strategy as the land is not within a Proposed Future Urban Release Area;
 - (b) South Grafton Heights Precinct Strategy – particularly the preferred development scenario (as amended 19 April 2011) expressed in Figure 2 of the strategy.
- (ii) The planning proposal is inconsistent with density (and character) of the existing large lot residential development in the immediate locality.
- (iii) The proposal fails to provide any compelling new or additional planning reasons to overturn a relatively recently adopted planning outcome and compromise achieved following public interest, input and consultation.

COMMITTEE RECOMMENDATION

Hughes/Baker

That Council:

1. As the Relevant Planning Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 over Part Lot 400 DP 1153969, 425 Bent Street, South Grafton, being part of the Grafton District Golf Club, to amend the Minimum Lot Size map to facilitate the subdivision of the land into 16 lots with lot sizes ranging between 1,500 sq. metres to 4,000 sq. metres as indicated in the planning proposal.
2. Accept inconsistencies with Section 117 Direction 5.1 – Implementation of Regional Strategies, and the South Grafton Heights Precinct Strategy due to the inconsistencies being of a minor nature.
3. Advise the Department of Planning and Environment that should the Gateway determination allow the planning proposal to proceed, that it will accept any plan making delegations offered under Section 59 of the Environmental Planning and Assessment Act, 1979.
4. Require the proponent, prior to exhibition of the planning proposal, to provide a preliminary site contamination investigation under State Environmental Planning Policy No. 55 and a due diligence Aboriginal cultural heritage assessment.

Voting recorded as follows:

For: Williamson, Hughes, McKenna, Baker

Against: Nil

COUNCIL RESOLUTION – 14.070/16

Hughes/McKenna

That Council:

1. As the Relevant Planning Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 over Part Lot 400 DP 1153969, 425 Bent Street, South Grafton, being part of the Grafton District Golf Club, to amend the Minimum Lot Size map to facilitate the subdivision of the land into 16 lots with lot sizes ranging between 1,500 sq. metres to 4,000 sq. metres as indicated in the planning proposal.
2. Accept inconsistencies with Section 117 Direction 5.1 – Implementation of Regional Strategies, and the South Grafton Heights Precinct Strategy due to the inconsistencies being of a minor nature.
3. Advise the Department of Planning and Environment that should the Gateway determination allow the planning proposal to proceed, that it will accept any plan making delegations offered under Section 59 of the Environmental Planning and Assessment Act, 1979.
4. Require the proponent, prior to exhibition of the planning proposal, to provide a preliminary site contamination investigation under State Environmental Planning Policy No. 55 and a due diligence Aboriginal cultural heritage assessment.

Voting recorded as follows:

For: Baker, Toms, Hughes, Kingsley, Lysaught, McKenna, Simmons, Williamson

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.1 We will have a strong, accountable and representative Government

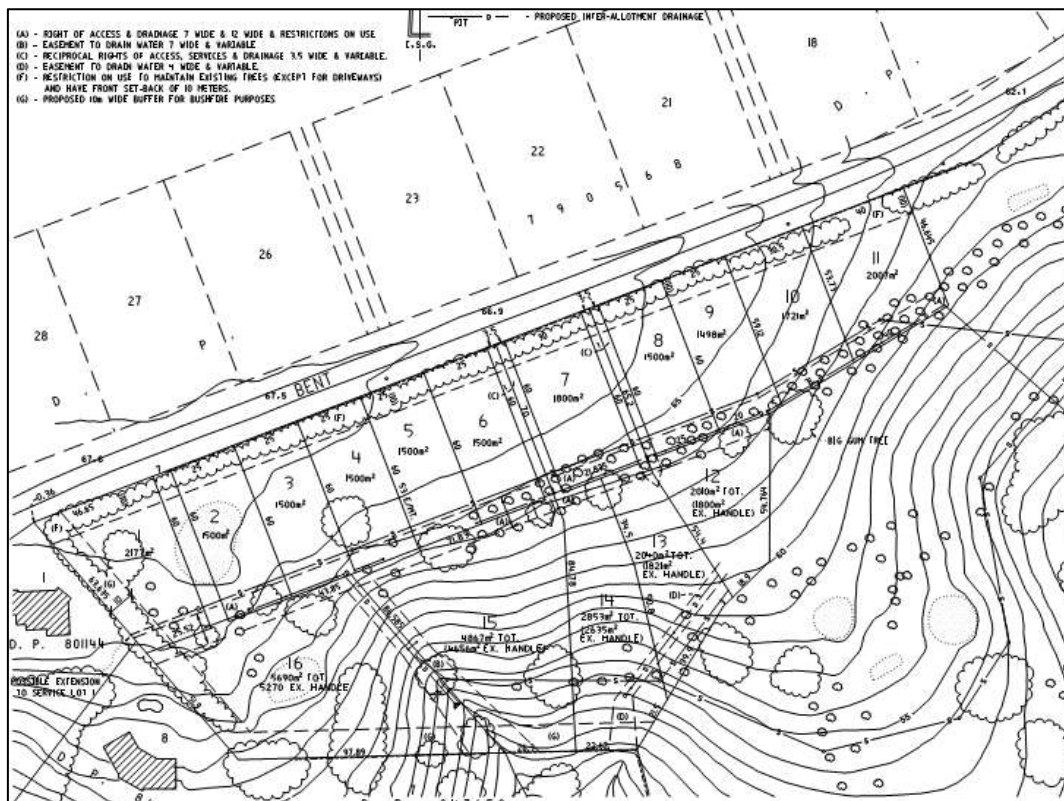
Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

Council has received a planning proposal that endeavours to support an amendment to the Clarence Valley Local Environmental Plan 2011 Lot Size Map so as to facilitate the subdivision of the R5 zone part of the land into 16 lots ranging in area from 1500m² to 5690m². A location plan and a copy of the proposed layout are provided below.



Location Plan



Proposed subdivision layout to be facilitated by planning proposal

A copy of the lodged planning proposal is at Attachment 1.

KEY ISSUES

Compliance with Department of Planning and Environment's Planning Proposal guidelines

The lodged planning proposal demonstrates broad compliance with section 55(2) of the Act and the Department of Planning and Environment's "A guide to preparing planning proposals" (October 2012). This deemed compliance is however mainly in respect of the "6 Part" planning proposal structure outlined in the Department's guidelines. Experience over recent years has shown that the Department's guidelines are vague in specifying the range of supporting information/assessment for a planning proposal and the level of detail of such information/assessment. Refer to Compliance with Council's *Guideline for rezonings and planning proposals - February 2016* below.

There are issues associated with land contamination and Aboriginal cultural heritage assessment which suggests that if the proposal was to be supported that additional assessment in respect of such issues should accompany a planning proposal particularly at the exhibition/consultation stage. See Aboriginal cultural heritage and Contamination of land below.

Compliance with Council's Guideline for rezonings and planning proposals - February 2016

A Council Guideline for rezonings and planning proposals has been developed to assist the preparation of planning proposals (including those initiated by private proponents) to be lodged with Council. This guideline entitled *Guideline for rezonings and planning proposals - February 2016* (Council's rezoning guideline) provides guidance on the statutory and Council's requirements for the preparation and lodgement of planning proposals. It supplements the guideline prepared by the NSW Department of Planning & Environment (DPE). Council's guideline emphasises the expected standards for planning proposals (and supporting information) that are submitted to it for consideration and support. Further the documentary/support information requirements specified in Council's rezoning guideline are based recent experiences with State agencies (including OEH and DPE).

The planning proposal has not acknowledged Council's guideline despite the proponent/document author being aware of the guideline. It is considered that the planning proposal falls short on providing documentation that adequately addresses the following issues:

- Aboriginal cultural heritage assessment
- Land contamination

It provides cursory assessment of the strategic and statutory framework including SEPP's, section 117 Directions and local strategy. Refer to Consistency with strategy, Aboriginal cultural heritage and Contamination of land below.

Note: local planning/development consultants were sent a copy of the guideline shortly after it was finalised and released in February. The Council guideline provides a list of common or typical issues which a planning proposal is likely to be required to address in more detail either as part of a lodged planning proposal or following the issue of a Gateway determination but prior to community consultation being undertaken.

Consistency with strategy

State and regional strategic context

The planning proposal has asserted consistency with a range of state and regional strategy including - Mid North Coast Regional Strategy (MNCRS), Draft North Coast Regional Plan and NSW 2021 (NSW State Plan). In the case of the MNCRS the planning proposal has acknowledged that the land is "located adjacent to the Proposed Future Urban Release Area (Growth Areas Map 2 Clarence South)". This in itself does not "qualify" all of that area identified as such for a higher density or urban residential zoning or subdivision pattern.

Council's South Grafton Heights Precinct Strategy (SGHPS) has already determined the more detailed strategic outcomes sought for the Proposed Future Urban Release Area identified in the MNCRS. As discussed below the planning proposal is inconsistent with the SGHPS. Further the planning proposal, despite being broadly within a "Growth area", remains inconsistent with the MNCRS as the land is not with a Proposed Future Urban Release Area.

Local strategic context

The planning proposal has addressed and asserts consistency with a range of Council strategic documents including - Our Community Plan 2015 - 2024, SGHPS and the Clarence Valley Settlement Strategy (CVSS). With respect to the SGHPS the planning proposal states that:

"The subject site is included in the Precinct and the Strategy was specifically amended in 2011 to incorporate the initial rezoning that permits the previous 9 lot subdivision proposal. Further amendment to the Strategy would appear to be required should the Proposal be approved".

The planning proposal addresses what it considers to be the relevant strategies and associated actions in Appendix E of the planning proposal. Unfortunately, it has not acknowledged the:

- SGHPS's preferred development scenario (as amended 19 April 2011) expressed in Figure 2 of the strategy; a copy of the strategy's Figure 2 is at Attachment 2.
- history of the development of the current zoning provisions which is the outcome of a lengthy rezoning and planning proposal process spanning the period 2007 to 2011 to which there was considerable local interest and opposition. This led to the current zoning and lot size provisions, allowing large lot residential subdivision into lots of no less than 4000m² in area.

The history of the current zoning and lot size provisions finalised in Amendment no. 50 (Grafton LEP 1988) and also reflected in the CVLEP 2011 also resulted in Council, on 19 April 2011, resolving to amend the original 2007 SGHPS to accommodate as part of the preferred development scenario, the indicative nine (9) lot potential rural residential development of part of the Grafton & District Golf Course. This 9 lot layout forms Appendix A of the planning proposal. The report considered by Council on 19 April 2011 fixing the current large lot residential (or rural residential) strategic outcome is at Attachment 3 along with its

Attachments which together illustrate how Council dealt with the submissions. It should be noted that the original 2007 SGHPS attracted considerable community interest and opposition to the then aspirations of the Grafton District Golf Club to undertake a residential subdivision of the same part of the golf course. Council adopted the original 2007 SGHPS on 21 August 2007.

The planning proposal is inconsistent with the SGHPS including its preferred development scenario (as amended 19 April 2011) expressed in Figure 2 of the strategy. Further it is inconsistent with density (and character) of the existing large lot residential development in the immediate locality. The proposal fails to provide any compelling new or additional planning reasons to overturn a relatively recently determined planning outcome and compromise achieved following public interest, input and consultation.

Aboriginal cultural heritage

Council's rezoning guideline specifies the minimum level of assessment/documentation in relation to Aboriginal cultural heritage. This has been informed by dealings with OEH in relation to a number of more recent planning proposals. This has indicated that it requires the provision of adequate information on Aboriginal cultural heritage matters often through an aboriginal cultural heritage assessment in accordance with the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales", OEH (2010).

All planning proposals submitted to it for its consideration and support should as a minimum apply the generic due diligence code of practice process flow chart in Section 8 of the above due diligence code of practice. The Council's rezoning guideline also encourages proponents to undertake preliminary consultation with OEH in relation likely aboriginal cultural heritage issues and level of support information for their intended planning proposal.

The lodged planning proposal has not acknowledged Aboriginal cultural heritage whatsoever and has glossed over the applicability/relevance of *Section 117 Direction 2.3 Heritage Conservation* by stating a simple "No".

If the planning proposal was to be supported to the gateway it should as a minimum be required to provide the supporting information referred to above i.e. application of the generic due diligence code of practice process flow chart in Section 8 of the above due diligence code of practice.

It is possible that the OEH and/or Gateway determination may require the provision of further supporting information on Aboriginal cultural heritage matters often through an aboriginal cultural heritage assessment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, OEH (2010).

Contamination of land

Council's rezoning guideline states that:

"A planning proposal for land that is or has been used for any of the potentially contaminating activities listed in Table 1 (p.12) Managing Land Contamination: Planning Guidelines - SEPP 55 - Remediation of Land (Department of Urban Affairs and Planning and NSW EPA 1998) is required to be supported by a report specifying the findings of a "Stage 1 - preliminary investigation" of the land carried out in accordance with the above guidelines. This is a requirement of clause 6 of SEPP 55 and is particularly important if the land is proposed to be developed for residential, educational, recreational or childcare purposes, as the risk to health is higher under those uses than most other uses. The findings of a "Stage 1 - preliminary investigation" are likely to determine whether any additional information or investigation is required as part of the rezoning/planning proposal process".

These requirements are considered applicable to the lodged planning proposal as the application/use of chemicals at a golf course would be encompassed by the some of the Table 1 "activities that may cause contamination" (e.g. agricultural/horticultural activities, chemicals manufacture and formulation and pesticide manufacture and formulation) and also because the planning proposal will be facilitating residential subdivision and development.

The planning proposal has, at Appendix D, attempted to address this issue in the context of State Environmental Planning Policy No 55 - Remediation of Land. The planning proposal suggests that it complies and provides (at Appendix I) a list of fertilisers and pesticides used on the 10th green (being part of site) from 2004 to its closure in October, 2014. It concludes that there is unlikely to be any residue from the chemicals which would require remediation. This conclusion cannot be readily made and further the manner of addressing SEPP No. 55 does not comply with the provisions of SEPP No. 55. The approach in the planning proposal does not constitute a preliminary investigation for the purpose of clause 6 of the SEPP; nor does it constitute a Stage 1 - Preliminary Investigation as per section 3.5.2 of the contaminated land planning guideline referred to above.

If the planning proposal was to be supported to the Gateway it should as a minimum be required to be supported by a Stage 1 - Preliminary Investigation as per section 3.5.2 of the contaminated land planning guideline referred to above.

COUNCIL IMPLICATIONS

Budget/Financial

The Applicant has paid the Council adopted rezoning application fee.

Asset Management

N/A

Policy or Regulation

- Environmental Planning and Assessment Act 1979 – including relevant State Environmental Planning Policies (SEPPs) and Minister's Section 117 Directions made under the Act.
- Clarence Valley LEP 2011
- Mid North Coast Regional Strategy
- South Grafton Heights Precinct Strategy

Consultation

There has been no consultation at this stage.

Legal and Risk Management

There are no inbuilt legal appeal rights in the case of a planning proposal that is not supported by Council or the Department of Planning and Environment. A pre - Gateway review may be requested by a proponent if a Council has not supported, or not made a decision within 90 days, on a planning proposal. These reviews are informed by advice from Joint Regional Planning Panels.

Prepared by	Terry Dwyer, Senior Strategic Planner (Policy)
Attachment	1 - Planning Proposal - 425 Bent Street – To be tabled 2 - SGHPS preferred development scenario (Figure 2) 3 - Report considered by Council on 19 April 2011

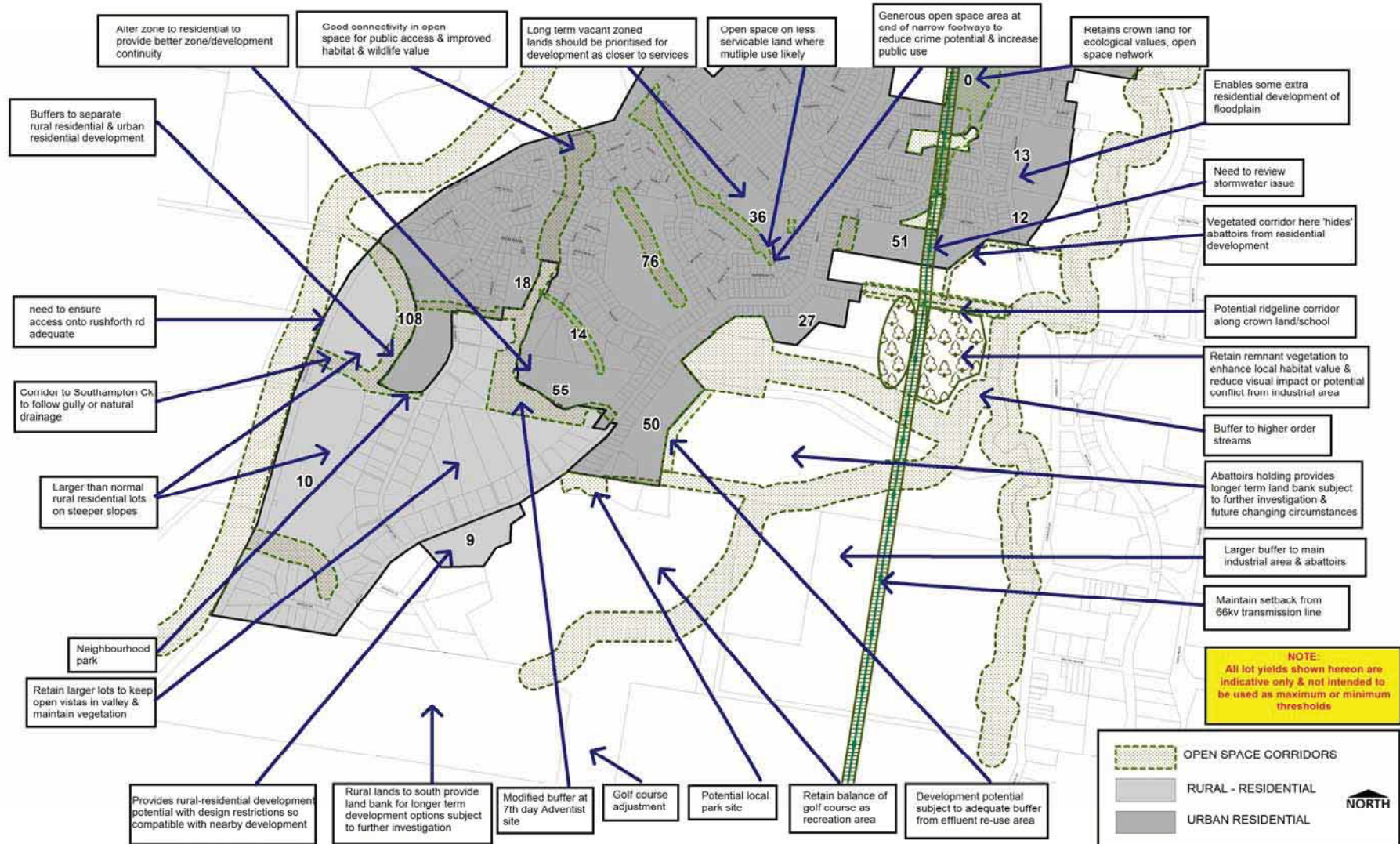


Figure 2 - Future development potential under the Amended preferred scenario.

ORDINARY MEETING

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic and Economic Planning
Date:	12 April 2011
Item:	12.039/11 AMENDMENT TO SOUTH GRAFTON HEIGHTS PRECINCT STRATEGY & PLANNING PROPOSAL AT GRAFTON DISTRICT GOLF COURSE, BENT STREET, SOUTH GRAFTON

ATTACHMENT**REPORT SUMMARY**

This Planning Proposal seeks amendment to the Grafton Local Environmental Plan 1988 by changing the zone on part of the Grafton District Golf Course site to a 1(c) Rural (Residential) zone. To ensure the proposed zoning is consistent with the adopted South Grafton Heights Precinct Strategy it was previously resolved to amend the Strategy and advertise the amended Strategy and Planning Proposal concurrently. Public exhibition of the amended Strategy and Planning Proposal has been completed.

Public submissions have been received and generally support the proposals as advertised. The next step in the process, subject to Council's resolution, is for the amended Strategy to be adopted and for the Planning Proposal to be endorsed for referral to the NSW Department of Planning for the Minister's approval and making of the LEP amendment.

OFFICER'S RECOMMENDATION

That Council:

1. Adopt the amended South Grafton Heights Precinct Strategy as exhibited, with the exception of minor editorial changes, eg removing 'Draft' and text highlighted for exhibition purposes.
2. Endorse the Planning Proposal for Part Lot 400, DP1153969 to enable a change of zoning from 6(b) Open Space (Recreation – Special Purposes) zone to 1(c) Rural (Residential) zone under the Grafton Local Environmental Plan 1988 and forward a request to the NSW Department of Planning that the Minister approve and make the LEP amendment.

RECOMMENDATION BY COMMITTEE

Tiley/Comben

That Council:

1. Adopt the amended draft South Grafton Heights Precinct Strategy with the following amendments:
 - a. Recommend to the RFS that the buffer for bush fire be amended to provide for the following:
 - i) 10m wide strip along the south west boundary
 - ii) 20m wide strip along the southern boundary
 - b. That the Council delete the requirement for the proposed open space buffer.
2. Endorse the Planning Proposal for Part Lot 400, DP1153969 to enable a change of zoning from 6(b) Open Space (Recreation – Special Purposes) zone to 1(c) Rural (Residential)

ORDINARY MEETING

zone under the Grafton Local Environmental Plan 1988 and forward a request to the NSW Department of Planning that the Minister approve and make the LEP amendment.

Voting recorded as follows:

For: Tiley, Comben, Williamson, Howe, Hughes

Against: Nil

COUNCIL RESOLUTION – 12.039/11

(Crs Comben/Tiley)

That Council:

- 1. Adopt the amended draft South Grafton Heights Precinct Strategy with the following amendments:**
 - a. Recommend to the RFS that the buffer for bush fire be amended to provide for the following:**
 - i) 10m wide strip along the south west boundary**
 - ii) 20m wide strip along the southern boundary**
 - b. That the Council delete the requirement for the proposed open space buffer.**
- 2. Endorse the Planning Proposal for Part Lot 400, DP1153969 to enable a change of zoning from 6(b) Open Space (Recreation – Special Purposes) zone to 1(c) Rural (Residential) zone under the Grafton Local Environmental Plan 1988 and forward a request to the NSW Department of Planning that the Minister approve and make the LEP amendment.**

Voting recorded as follows:

For: Councillors Williamson, Comben, Dinham, McKenna, Simmons, Tiley and Toms

Against: Nil

BACKGROUND

There has been considerable discussion among the community and at Council regarding the potential for rezoning at the Golf Club site. Most recently there has been general consensus among the Council and nearby residents that a rural-residential zoning enabling large allotments (4,000m² or greater) with allotment frontages comparable to land on the opposite side of Bent St is an acceptable outcome. On that basis Council has supported a draft amendment to the South Grafton Heights Precinct Strategy and endorsed the Planning Proposal for further consideration and consultation.

The Department of Planning issued a Gateway determination in December 2010 to enable public exhibition of the Planning Proposal for a 28-day period. That Determination required the proposed amendment to the Precinct Strategy to be exhibited concurrently. That has been completed. The Gateway Determination requires the Planning Proposal to be finalised by 6 September 2011.

ISSUES

Issues in respect of the draft amendment to the South Grafton Heights Precinct Strategy (see Attachment A) and the Planning Proposal (see Attachment B) are presented in the 'Sustainability Assessment' of this report.

ORDINARY MEETING**CONSULTATION**

The draft amendments to the Precinct Strategy and the Planning Proposal and associated documents were placed on public exhibition from Wednesday, 2 February 2011 to Monday, 7 March 2011. Notification included letters to all adjoining landowners, owners of land opposite the site in Bent Street and other landowners adjacent thereto.

Three submissions have been received (see Attachment C). Issues presented in the submissions are discussed in the 'Sustainability Assessment' of this report. Two of the submissions confirm that the consultative process to date (over several years) has resulted in planned development and a proposal that is sustainable. Submissions seek for that 'agreed' position to be upheld.

SUSTAINABILITY ASSESSMENT**Summary Statement**

The current proposal for rezoning of part of the Grafton Golf Club site is the end result of rigorous planning, debate and negotiation over several years. There has been a range of development scenarios for the land and the wider South Grafton Heights Precinct which have been subject to sustainability assessment. The current proposal is considered to be a sustainable outcome and contributes positively to each of the elements in Council's Sustainability Framework and the Guiding Sustainability Principles.

Ecology

The land subject to the Planning Proposal and nearby land contains remnant native vegetation and habitat and a range of fauna species. A flora and fauna survey completed in the vicinity reported 11 threatened or vulnerable fauna species. The better remnant vegetation is located on the south-west side of the site adjacent to rural (small holdings) land in Winwood Place. The draft amended Precinct Strategy shows a buffer along that side of the Planning Proposal site which would provide the ability to maintain native vegetation and preserve public access at that location. Future development in accordance with the proposed zoning is not likely to have a significant impact on threatened species or populations thereof if some remnant vegetation is retained in a buffer. Provision of a buffer is likely to reduce lot yield in a future development (subject to design).

Economic

The Golf Club have previously proposed urban residential zoning of the subject land. Such a zoning would enable more intensive residential development. One of the submissions raises concern that some of the limitations on future development of this site, eg minimum lot frontage widths, as stated in the draft amended Precinct Strategy will limit the development potential, and hence financial viability of a subdivision for the Golf Club. The economic viability of the subdivision is not a matter for Council to determine. The Planning Proposal was submitted to Council on behalf of the Golf Club showing a layout consistent with the lot frontage limitations stated in the draft amendment to the Precinct Strategy. No further correspondence has been provided to Council by the Club or their consultant in this regard.

Social & Cultural

The change from open space zoning to rural-residential is not insignificant. It is the interruption to the outlook from residences over the golf course from the opposite side of Bent Street and in Winwood Lane that has prompted much of the debate in the community in the past regarding potential rezoning and development of the subject land. The current Planning Proposal is considered to be a more acceptable and sustainable proposal subject to some detailed design issues some of which are discussed herein.

Human Habitat & Infrastructure

There is general acceptance of the proposed rural-residential zoning for the part of the golf course. Notwithstanding that, there is some concern that lot sizes and development standards will be varied (ie reduced) by Council in the future from the standard 4,000 m² minimum lot size and 40-

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metre lot frontage. Council and/or the NSW Department of Planning has that ability to vary development standards however, with the present proposal it is considered that any downward variation to proposed and expected standards would result in less than sustainable outcomes, especially given the degree of negotiation that has preceded the current Planning Proposal between the nearby residents, the Golf Club and Council. See also 'Social and Cultural' above.

The draft amended Precinct Strategy upholds the concept of future residential and rural-residential development in the Precinct being based on a well-structured, purposeful and functional open space framework. The inclusion of a publicly accessible open space buffer along the south-west side of the site will provide multiple benefits to current and future landowners and residents. See also 'Ecology' above.

Governance

The Planning Proposal as lodged would not be consistent with the adopted Precinct Strategy without consequent amendment of the Strategy. Council has previously resolved to amend the Strategy in conjunction with the Planning Proposal. Further, the Gateway Determination required concurrent exhibition of the amended Strategy and Planning Proposal to ensure greater transparency and opportunity for comment on both of these related documents/proposals. Submissions have been received and in general terms concur with the draft amended Strategy and Planning Proposal outcomes. Some comments provide additional information or background in respect of proposed Strategy Actions which will necessitate attention at the design of any future subdivision proposal. The Planning Proposal is clearly shown on Figure 2 in the draft amended Strategy.

The Club's consultant, as well as persons making submissions will be informed of this report and provided with the opportunity to make deputations on any aspect of this report.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Protecting ecological processes and biodiversity.
- Supporting social and intergenerational equity.
- Promoting ecologically sustainable development.
- Encouraging community involvement and awareness.
- Taking a precautionary and anticipatory approach.
- Focusing on continuous improvement.

The draft amended Strategy contains a Sustainability Assessment of the Amended Preferred Scenario. Prior to Council adopting a preferred scenario in the Strategy in 2007 there were a range of scenarios that were subject to sustainability assessment. The Amended Preferred Scenario is considered to provide for a sustainable development outcome in South Grafton as a whole, including the Golf Club's current proposal.

OPTIONS

1. That Council adopt the draft amended Precinct Strategy as exhibited and endorse the Planning Proposal by requesting the Minister for Planning to approve and make the proposed amendment to the Grafton Local Environmental Plan. Persons making submissions should also be informed of Council's resolution.
2. That Council further consult the local community of the proposed matters. This option is not considered an efficient use of Council resources as this issue has been the subject of extensive consultation over a period of 4 years or so. The issues are well known to Council and the proponent and the current Planning Proposal substantially addresses the issues.
3. That Council reject the Planning Proposal and associated draft amendment to the Precinct Strategy. Selection of this option would be consistent with the Council's resolution in August

ORDINARY MEETING

2007. However, at that time the proposed development of this part of the Golf Club land was for urban residential and more intensive future development and impact. Since that time revised proposals, public consultation and Council deliberation have lead to the current proposal.

Option 1 is the preferred option.

FINANCIAL IMPLICATIONS

Application fees paid by the proponent are adequate to cover costs associated with processing an administration of the Planning Proposal from Council's perspective. No direct financial implications on Council's budget at this time. Future development of the subject land will generate additional maintenance costs for Council from civil services and open space management.

Des Schroder

DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

Prepared by: Scott Lenton
Section: Strategic and Economic Planning
Attachment: A. Draft amended South Grafton Heights Precinct Strategy
B. Planning Proposal
C. Public submissions (3 of)

From: BUTCHER Brett [Brett_BUTCHER@rta.nsw.gov.au]
[Brett_BUTCHER@rta.nsw.gov.au]
Sent: Sunday, 27 February 2011 9:50 PM
To: Council Email
Subject: Draft South Grafton Heights Precinct - A Strategy for the Future - Submission

I wish to make the following comments on the subject document presently on exhibition:

1) General

I congratulate Council on progressing this matter which is pivotal in allowing the Grafton District Golf Club to get on with its important course layout changes and improvement works, and to ensure it remains a viable facility and offering for the community into the future.

2) Action B.1a

This strategy action states *"Any future rural-residential subdivision of the golf course land....should maintain a frontage for all allotments fronting Bent St, excluding battle-axe allotments, in the order of 40m (Strategy B.1)".*

I note that the Club's original proposal was for 1200m² lot sizes and 20m frontages (attached image 001). Based on advice from Council, the Club resubmitted its DA on the basis of 9 lots of around 1000m² size and 40m frontage (attached image 002). Obviously the Club is after the best possible outcome in regard to the viability of its course redevelopment project, and also from the perspective of the potential for increased course and clubhouse facility patronage.

The proposed 40m frontage widths effectively locks the Club into the 9 lot arrangement. This may not be the best outcome for the Club.

I understand that the larger lot sizes were required by Council due to some opposition against the redevelopment from residents opposite the 10th hole. However, Council has recently approved a vacant Rural (residential) lot in Fairway Drive to be sub-divided into 2 separate lots, each lot resulting in 25m frontages and 2000m² lot sizes!

I therefore submit that Council should arrange to consult again with the Club on this issue, to see how critical the lot sizing is with regard to the Club achieving a viable outcome with the course redevelopment project. It may be that 25m frontages and 2000m² lot sizes may be preferred by the Club, and indeed would be consistent with the recent Council approved subdivision of a lot in the heart of Fairway Drive.

3) Figure 2

On reviewing Figure 2 in the draft strategy document, it does not appear to show the golf course adjustment as being shaded for future development potential?

Thank you for your time in considering my comments. I can be contacted as per details below should any further information be required.

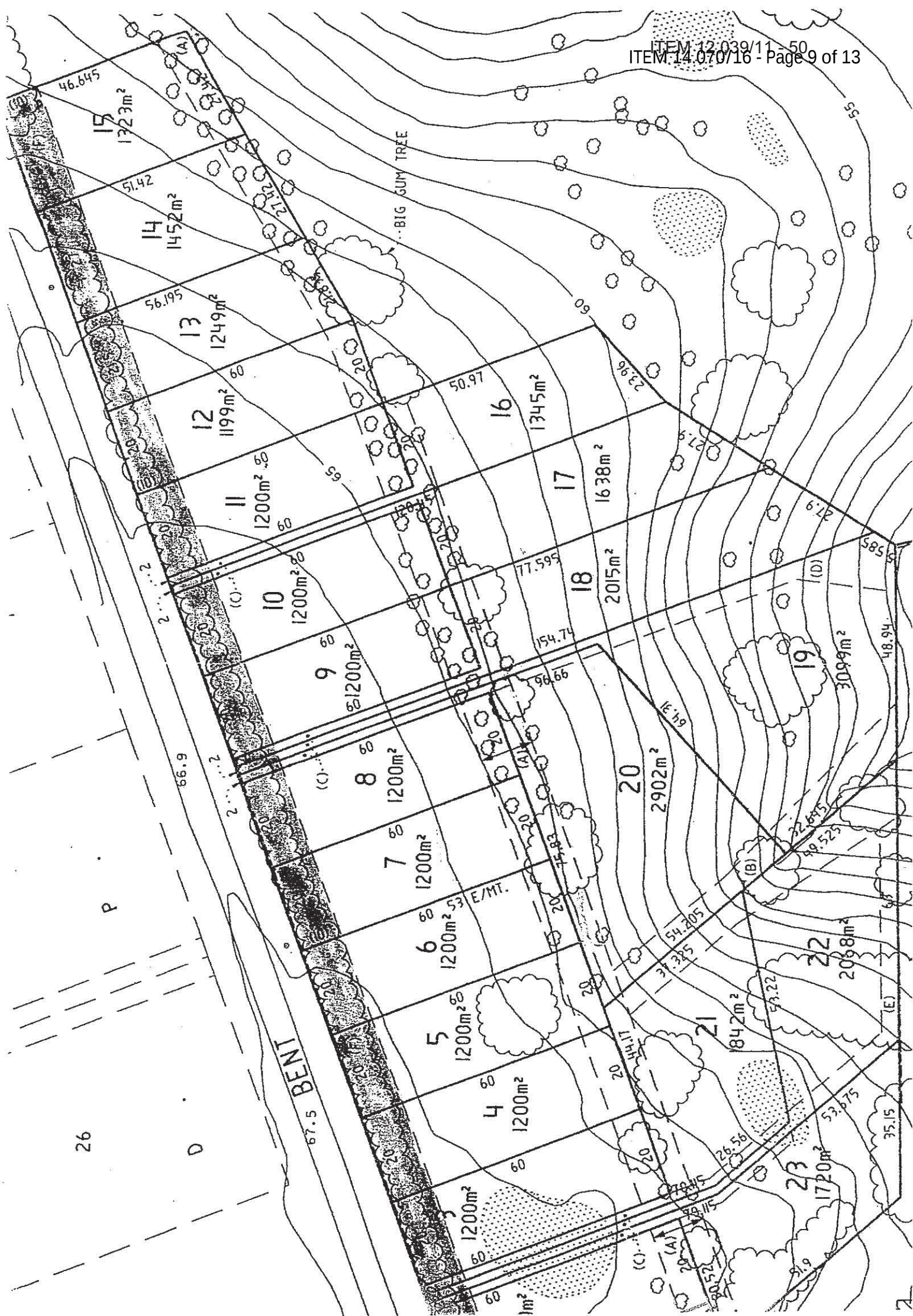
Yours faithfully,

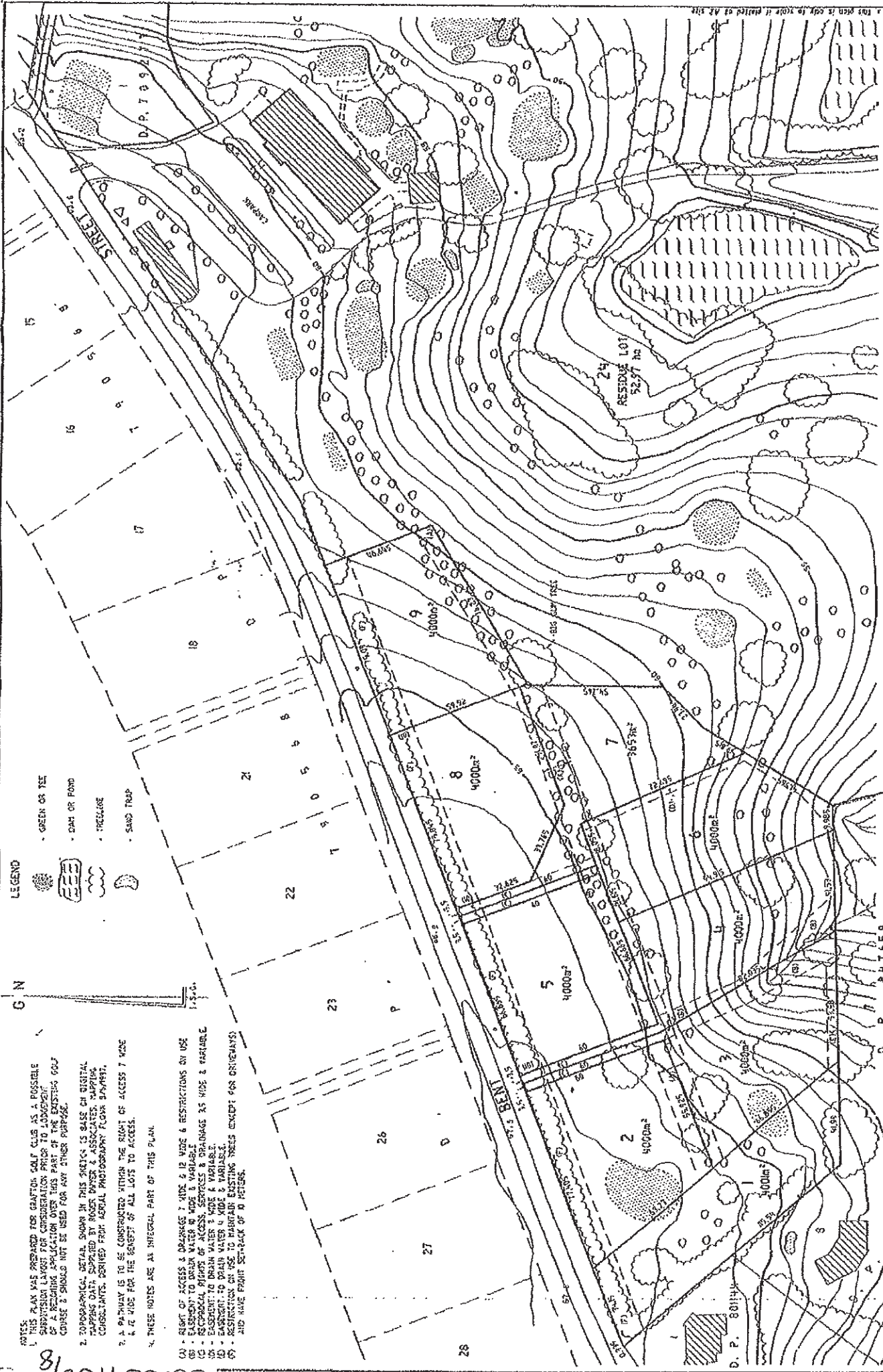
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REVISIONS		ISSUED FOR COMMENT		DATE		BY	
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436 Bent Street
South Grafton
NSW, 2460
04.03.2011

Clarence Valley Council
Locked Bag 23
Grafton 2460
Ref: CVC 676053
Scott Lenton

DOC #	_____
DOC LOC.	_____
G	- 7 MAR 2011
CLARENCE VALLEY COUNCIL	

SCANNED

Dear Scott,

RE: Exhibition of Planning Proposal (Grafton District Golf Course) and Draft Amended South Grafton Heights Precinct Strategy.

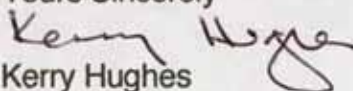
Thank you for your recent letter regarding the above proposal. I appreciate the opportunity to make further comments.

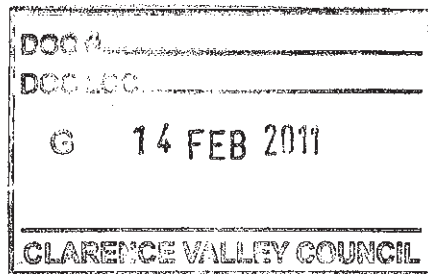
This proposal for many years has been a very contentious issue with the landowners who live opposite the proposed rezoning site and many members of the golf club who do not live in the vicinity but who did not want to see the sell off of any golf club land.

We purchased our land in a rural residential area as we wanted to enjoy a large block of land and not be in close proximity to neighbours. We also purchased opposite the golf course to enjoy the open space and tranquility this area had to offer. At that time there was mention that the land would be subjected to a rezoning application, initially for much smaller and a greater number of residential lots.

However, we feel a win-win situation has been reached with the new proposal for rural residential allotments. We expect that this new development will mirror the existing rural residential development opposite the site in Bent Street, with minimum lot sizes of 4000 square metres and 40 metre frontages to the road. We trust that the council staff and councillors will uphold these lot dimensions and that there will be no further reduction in size, showing the residents that you understand and have considered our interests and concerns.

Yours Sincerely


Kerry Hughes



South Grafton 2460

14 February 2011

6642 6414

Clarence Valley Council

Locked Bag 23

Grafton 2460

Ref: CVC 676053 Attention: Scott Lenton

SCANNED

Dear Scott,

RE: Exhibition of Planning Proposal (Grafton District Golf Course) and Draft Amended South Grafton Heights Precinct Strategy.

Thank you for your letter. We have read the Amended South Grafton Heights Precinct Strategy and appreciate the opportunity to make comments which are relevant to our situation. Both as adjoining landholders to the Grafton District Golf Club, with a Rural Small Holding, and as residents of the South Grafton Precinct, we will be directly affected by the golf Club rezoning and their planning proposal, if and when subdivision occurs.

We do not pretend that we like the idea of subdivision of the golf club land which joins our property. We bought our land and house because we have always lived on a farm and appreciate the semi-rural lifestyle. Along with all residents of the area, we enjoy the open space along Bent St. We regret, that as keen golfers, our current direct walking access from our land to the golf club is threatened by any subdivision proposal.

Along with the Rural Residential landholders along Bent St, we accepted Council's decision in 2008 to allow the rezoning application to proceed, given that the golf club's application for rezoning and accompanying planning proposal was for rural Residential blocks of 4000 square metres, thereby matching most of the blocks in the area.

We feel that the following items in the amended strategy are of particular relevance to our situation, and that of other surrounding residents, given that the street scape will be so altered in the event of future subdivision. The following are our comments.

Action A12. There is mention that the RFS be asked to update the Grafton Bush Fire Prone Land Map. Currently our Rural Small Holdings are listed as fire prone areas. Most of our neighbour at 455 Bent St remains an unmown native vegetation area, and more than half of 7 Winwood Lane is unmown, including the area which borders golf club unmown land in the gully on the northern side.

Action A13a. There is a good stand of preserved native trees in the zone adjoining 7 Winwood Lane

Action B1a. Most local residents find this acceptable because it is consistent with existing dwelling frontages on the northern side of Bent St. The last golf club planning proposal was for 4000 square metre blocks, and residents assume that this will be what eventuates, and what will be approved by council. The blocks at the eastern and western

ends of the Golf club are Rural Small Holdings, varying from 10,000 to 15,000 square metres. See below the comment on Strategy B3 and Action B7.

Action B6. Golf club records of chemical use date back 20 years, but it has been a golf course for almost 60 years. As a former farmer, I know that contaminate chemicals such as may have been previously used on greens and tees, both current and those no longer in use can stay in the ground for many more than 20 years but were probably never documented.

Strategy B3 and Action B7. Provision of a 35 metre open space buffer along our current north eastern boundary with the golf club, and along the southern boundary between golf club land and that of 7 Winwood Lane will satisfy several of councils' criteria for sustainable development. Not only will it be a buffer between different housing density zones for us, but it will also protect the areas of remnant vegetation, in particular trees, on the boundary adjoining 7 Winwood Lane. As well it will allow current use of this area, as a pedestrian corridor to Bent St and the bus for local children in Winwood Lane, and between our block and the golf club for pedestrians and motorised golf buggies all to continue.

This is also consistent with **Actions B15 and B17.**

Action B15 A flora and fauna assessment carried out for North Coast environmental Planning by Russell Jago (email; ncep@tpg.com.au) found 11 fauna species listed as vulnerable under the Threatened Species Act, present on the golf club and adjoining land. We have many native fauna on our block, including regular traffic of kangaroos to and from Bent St and the golf club. Both kangaroos and other fauna will be better preserved with a buffer. We have had a pair of endangered square tailed kites nesting on our block for the past two years and documented their raising of two babies.

The golf club has employed a professional surveyor and developer, Andrew Fletcher, and the club lobbied new councillors directly before the last council vote on the rezoning application in 2008. Local residents, ourselves included, have had no assistance or professional advice and rely on council to consider our interests and those of the precinct as a whole. We are pleased with the way these interests and concerns are reflected in the amended precinct strategy and appreciate the efforts and care with which this strategy has been drawn up.

Yours sincerely,



Janet and John Croft.