

<b>DATE OF DETERMINATION</b>	21 September 2022
<b>DATE OF PANEL DECISION</b>	21 September 2022
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Greg Clancy declared a conflict of duties as he has voted on the redevelopment of Grafton Pool as an elected Councillor.

Papers circulated electronically on 13 September 2022.

#### **MATTER DETERMINED**

PPSNTH-145 – Clarence Valley – DA2022/1287 at 208 Bacon Street, Grafton - Redevelopment of Grafton pool (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the following reasons:

1. The proposal is permissible in the RE1 Public Recreation zone and is consistent with relevant zone objectives.
2. The proposal will provide much needed swimming and related recreation facilities to the benefit of the community of Grafton and surrounding areas, noting that these areas are a considerable distance from coastal beaches.
3. The Panel notes that a community land plan of management, pursuant to the Local Government Act 1993, will be needed for the development to commence. The Panel believes it is appropriate for this requirement to be addressed by a deferred commencement condition.

#### **CONDITIONS**

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendment:

- Add deferred commencement condition, to read as follows:

This consent does not become operational until the Council adopts a community land plan of management for the land affected by the proposal, pursuant to the Local Government Act 1993, with such plan making provision for the proposed development.






This condition is to be satisfied within 12 months.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Adequacy of proposed facilities

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Ian Tiley
 Peter Johnstone	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-145 – Clarence Valley – DA2022/1287
2	PROPOSED DEVELOPMENT	Redevelopment of Grafton Pool - in ground pool and grand stand
3	STREET ADDRESS	Lot 1 DP1115980 (Reserve D540035) 208 Bacon Street & 72 Turf Street Grafton
4	APPLICANT OWNER	Clarence Valley Council Crown Lands NSW (Council as Land Manager)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"><li>• Environmental planning instruments:<ul style="list-style-type: none"><li>○ State Environmental Planning Policy (Planning Systems) 2021</li><li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>○ Clarence Valley Local Environmental Plan 2011</li></ul></li><li>• Draft environmental planning instruments: Nil</li><li>• Development control plans:<ul style="list-style-type: none"><li>○ Environmental Protection, Recreation and Special Use Zones DCP</li></ul></li><li>• Planning agreements: Nil</li></ul>

		<ul style="list-style-type: none"> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report: 7 September 2022</li> <li>• Written submissions during public exhibition: one (1)</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 18 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Stephen Gow</li> <li>○ <u>Council assessment staff</u>: Patrick Ridgway</li> <li>○ <u>Department staff</u>: Carolyn Hunt</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 20 September 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnson</li> <li>○ <u>Council assessment staff</u>: Patrick Ridgway, Murray Lane, Danny Parkin and Adam Cameron</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>• Applicant Briefing: 20 September 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnson</li> <li>○ <u>Council assessment staff</u>: Patrick Ridgway, Murray Lane, Danny Parkin and Adam Cameron</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Rachelle Passmore, Peter Birch and Jamie Fleeting</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report