

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-174
DA Number	DA2022/0237
LGA	Clarence Valley Council
Proposed Development	Demolition of existing community centre, construction of new Community Facility, car parking and associated landscaping
Street Address	24 TREELANDS DRIVE YAMBA 2464
Applicant/Owner	Applicant: A. Fletcher & Associates Pty Ltd Owner: Council
Date of DA lodgement	6 April 2022
Total number of Submissions Number of Unique Objections	22 unique submissions were received comprising; 2 unique submissions – for the development 20 unique submissions – against the development
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 3 Council related development over \$5 million, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : (b) the council is the owner of any land on which the development is to be carried out.
List of all relevant s4.15(1)(a) matters	i.e. any: <ul style="list-style-type: none"> • relevant environmental planning instruments • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority • relevant development control plan • relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 • relevant regulations e.g. Regs 92, 93, 94, 94A, 288 • coastal zone management plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Civil Engineering Plans - Water Management Plan • Operational Plan • Statement of Environmental Effects • Traffic Report • Acoustic Report • Geotechnical Report • Design Report • Concept Landscape Report • Exterior Light Compliance Report • Concept Access Report & Access Design Compliance Statement • BCA Statement of Compliance • Waste Management Plan report • Cost Estimate Report
Clause 4.6 requests	Nil
Summary of key submissions	<ul style="list-style-type: none"> • amenity for neighbouring residential development (visual and noise privacy) • project funding • stormwater management and flooding
Report prepared by	J Summerhayes
Report date	28 February 2023

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-174 – DA2022/0237
PROPOSAL	Demolition of existing community centre, construction of new Community Facility, car parking and associated landscaping
ADDRESS	Lot 3 DP 1203064 & Lot 22 DP 1245921 24 TREELANDS DRIVE YAMBA 2464
APPLICANT	A. Fletcher & Associates Pty Ltd
OWNER	Clarence Valley Council
DA LODGEMENT DATE	6 April 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 3 Council related development over \$5 million, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : (b) the council is the owner of any land on which the development is to be carried out
CIV	\$ 10,151,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	Clarence Valley Local Environmental Plan 2011 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resilience & Hazards) State Environmental Planning Policy (Biodiversity and Conservation) 2021
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	22 unique submissions were received comprising: <ul style="list-style-type: none"> • 2 unique submissions – for the development • 20 unique submissions – against the development
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans Civil Engineering Plans - Water Management Plan Operational Plan Statement of Environmental Effects Traffic Report

	Acoustic Report Geotechnical Report Design Report Concept Landscape Report Exterior Light Compliance Report Concept Access Report & Access Design Compliance Statement BCA Statement of Compliance Waste Management Plan report Cost Estimate Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval, subject to conditions
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	14 March 2023
PLAN VERSION	14 July 2022 Version No 2
PREPARED BY	J. Summerhayes, Development Planner
DATE OF REPORT	28 February 2023

EXECUTIVE SUMMARY

- The proposal is for a 'Community Facility'. The site is located in the SP2 – Infrastructure zone (Community Purposes). The demolition and the construction of a building for community purpose is permissible with consent in the SP2 zone.
- The site is located within in a precinct area planned for community infrastructure, surrounded by low density residential development to the north, south and east, this area comprises predominantly single to double storey buildings. Across the roadway to west, within the B2 business zone.
- Amended plans and additional information was provided during assessment, resulting in changes that address concerns about residential privacy, acoustic amenity, impacts from lighting and equitable access.
- Key issues included amenity for neighbouring residential development (visual and noise privacy).
- Key concerns from community were visual and noise privacy, flooding, accessibility, and funding.
- Issues were resolved through amendments to the acoustic fencing, car park lighting design solutions, relocation of kerbside collection away from bus stop, increase in disabled car parking and the application of conditions regarding on-site stormwater management.
- The proposal is consistent with the Public interest,.
- Recommended for approval as the development is consistent with the aims and objectives of the legislative requirements such as the *Clarence Valley Local*

Environmental Plan 2011 ('LEP 2011') and the *Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zones* ('DCP'), whereby a quality design is achieved, the development is consistent with the strategic planning intent for the area, and the development results in public benefits for the community.

The development application (DA2022/0237) seeks consent for the demolition of existing Community Centre, the construction of a single storey Community Centre with ancillary Library, on-grade car park, associated landscaping and stormwater ('the proposal'). The community use facility is proposed for meetings and activities for the community provided by Clarence Valley Council.

The subject site is known as 24 Treelands Drive, Yamba ('the site') and comprises Lot 3 DP 1203064 & Lot 22 DP 1245921 with four road frontages including Treelands Drive to the west, Parkview Crescent to the north, Lady Nelson Place to the south-east and Roberts Close to the south. The vehicle access point to the site is via Treelands Drive and the exit is via Roberts Close. Pedestrian access only is provided via Lady Nelson Place and Parkview Crescent. The site is located between Parkview Crescent to the north and Roberts Close to the south and occupies an irregularly shaped area of 4,197m² (Lot 3 DP 1203064) and 2,559m² (Lot 22 DP 1245921) in total 6,756m².

The existing development on the site consists of a single storey community centre, with a total area of approximately 405m² Gross Floor Area. Directly adjacent to the site is the NSW TAFE building on Lot 21 DP 1245921 and a medical centre and ambulance station on Lot 1 DP 1203064.

The site is located within in a precinct area planned for community infrastructure, surrounded by low density residential development to the north, south and east, this area comprises predominantly single to double storey buildings. Across the roadway to west, within the B2 business zone, is development comprising business premises, food and drink premises and a vacant allotment. Located approximately 150 metres to the south is the Yamba Fair shopping mall.

The site is located in the SP2 – Infrastructure zone (Community Purposes) pursuant to Clause 2.2 of the *Clarence Valley Local Environmental Plan 2011* ('LEP 2011'). The demolition and the construction of a building for community purpose is permissible with consent in the SP2 zone.

The principal planning controls relevant to the proposal include the :LEP 2011 and the DCP. The proposal is consistent with various provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

The application was placed on public exhibition from 5 April 2022 until 22 April 2022 in accordance with the Clarence Valley Council Community Participation Plan 2022, with twenty-two (22) submissions being received, comprising 20 objections and 2 submissions in favour of the proposal.

Key concerns from community related to amenity for neighbouring residential development (visual and noise privacy), flooding, accessibility and project funding was also raised. These issues are considered further in this report.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause

(5)(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *community facilities* with a CIV over \$5 million.

A site visit was held with the Panel on 22 February 2023 where key issues were discussed, including flooding on a wider scale, stormwater management on-site, accessibility, as well as visual amenity regarding the car park lighting, acoustic amenity and acoustic treatment for adjoining residential zone.

Key concerns from community were visual and acoustic amenity, flooding, accessibility, and project funding arrangement (an item that is not assessed under the EP&A Act). Issues were resolved through amendments to the acoustic fencing, car park lighting design solutions, relocation of kerbside collection away from bus stop, increase in disabled car parking and the application of conditions regarding on-site stormwater management.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, the proposal is considered worthy of support.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA2022/0237 is recommended for approval subject to the conditions of consent contained at **Attachment A** of this report.

As the proposal is a Council development and assessed by a Council Officer, an independent peer review has been undertaken by Mike Svikis principal Town Planner of Mike Svikis Planning on behalf of the Department of Planning and Environment.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is an irregularly shaped area of 4,197m² (Lot 3 DP 1203064) and 2,559m² (Lot 22 DP 1245921) in total 6,756m², the site has been previously filled whereby a gentle slope is present along the Treelands Drive frontage while the remaining land is relatively flat, there are four road frontages including Treelands Drive to the west, Parkview Crescent to the north, Lady Nelson Place to the south-east and Roberts Close to the south.
- Existing development on the site consists of a single storey community centre while the rear Lot 22 is vacant land, scattered existing and planted vegetation exist on Lot 3 not vegetation exist on Lot 22.

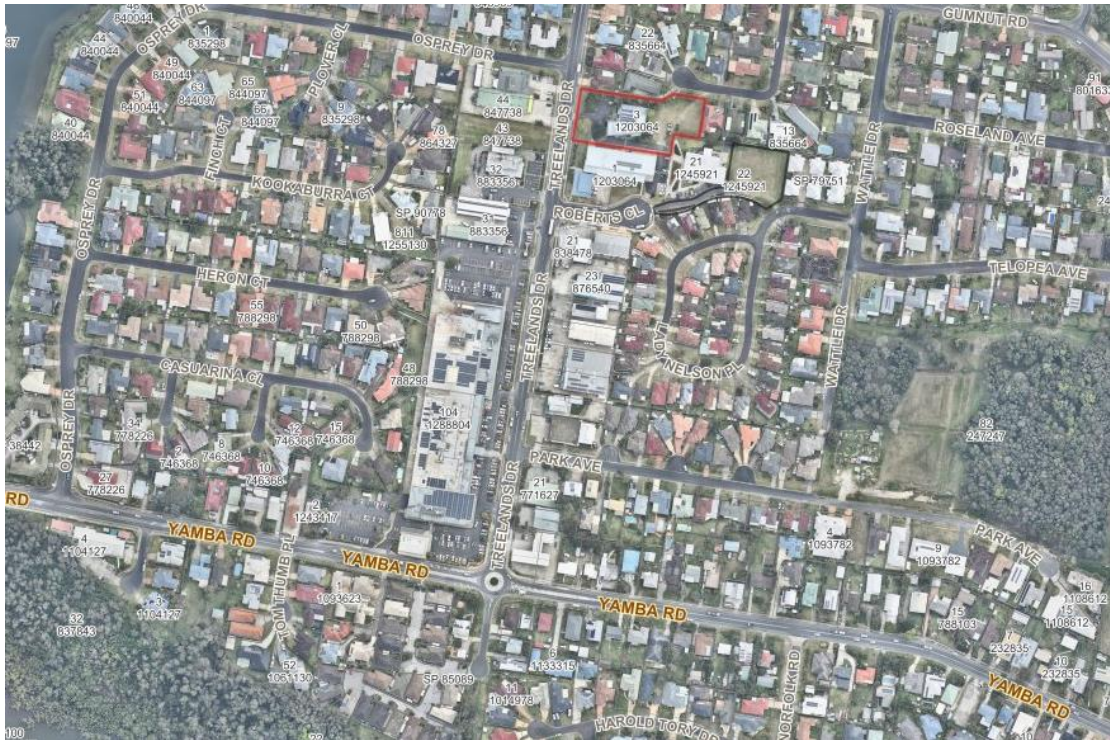


Figure 1: Site aerial imagery Source: Council mapping, site indicated in red and black outline.



Figure 2: Site aerial imagery Source: SoEE imagery, TAFE building construction included

1.2 The Locality

- Adjoining development comprises low density residential housing (R2 Low Density Housing zone), a business area (B2 Local Centre zone) and adjoins a TAFE, ambulance station and medical centre (SP2 Infrastructure zone),
- The site adjoins a business centre and is approx. 400m from the wetland buffer zone located to the south,
- The site is close to services and public transport with a bus stop located along the primary Treelands Drive frontage.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

- The proposed development includes demolition of the existing Community Facility, and construction of a Community Facility comprising:
 - Library,
 - Gallery, meeting rooms, community kitchen,
 - Ancillary car park (46 spaces including 2x accessible parking spaces), and
 - Associated landscaping.
- The development provides a series of co-located services and community spaces within the building and provides a shared car parking area to support the precinct, comprising the Community Centre and additional parking that may be required for the Medical Centre and the TAFE.



Figure 3: Street Elevation Source: Architectural Figure: Treelands Drive Street Elevation



Figure 4: Site Identification Plan & Easements Source: Architectural Planset

Table 1: Development Data

Control	Proposal
Site area	Lot 3 DP 1203064: 4,197m ² Lot 22 DP 1245921: 2,559m ² Total: 6,756m ²
GFA	GFA: 1390m ² Building footprint: Approx. 1891m ²
FSR (retail/residential)	N/A
Clause 4.6 Requests	Nil
Max Height	No max Height of Building (HOB) is applicable. Proposed is single storey at 8m in height.
Landscaped area	Landscape Area: 1,250m ² approx. 30% of Lot 3 (primary Lot) and approx. 1,100m ² or 43% of Lot 22 Lot 3 (primary Lot): Site Coverage of): 0.4 or 40% Roofed Area: 1686 m ²
Car Parking spaces	Required: 28 car spaces Provided: 46 car spaces
Setbacks	Compliant refer Attachment C Table of Compliance

2.2 Background

No formal pre-lodgement meeting was held prior to the lodgement of the applicant.

However, various meetings were held between Council departments and consultants regarding project and design development.

The development application was lodged on **6 April 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
6 April 2022	DA lodged
5 April 2022	Exhibition of the application 5 April 2022 until 22 April 2022.

N/A	DA referred to external agencies
9 June 2022	Request for Information from Council to applicant
28 June 2022	Second request for Information from Council to applicant
Not required	Panel briefing
18 July 2022	Amended plans lodged (including extended acoustic fencing and further clarification detail on the plans, an additional disabled car space, internal pedestrian crossing for the 'share zone' accessway, further clarification information regarding the OSD basins to verify post development site discharge) dated 18 July 2023 accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation')
22 February 2023	Panel site visit
24 February 2023	Independent peer review complete

2.3 Site History

- In 2018 a Masterplan for the Precinct was prepared which included:-
 - A Community Centre & Library
 - Existing Medical Centre & Ambulance Station
 - TAFE centre (recently constructed)
 - Public car park and vehicle/pedestrian circulation routes

A masterplan was adopted by Council after the required community consultation. The current proposal is shaped by the 2018 Masterplan.

- DA2018/0172 Development was approved for the Subdivision (two lots) and Educational establishment (TAFE).

Road upgrades have been completed within Treelands Drive as a result of the approved development of the TAFE building within the precinct.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent*

- authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) the suitability of the site for the development,*
 - (d) any submissions made in accordance with this Act or the regulations,*
 - (e) the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Clarence Valley Local Environmental Plan 2011;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter Two: Vegetation in non-rural areas <ul style="list-style-type: none"> • Clause 2.9 states that a Development Control Plan may make a declaration in any manner relating to species, size, location and presence of vegetation. The Clarence Valley Development Control Plan 2011 provides controls on the management of vegetation in non-rural areas. • Chapter 4 – koala habitat 	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage • Section 3.11(1) – matters for consideration 	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 Council related development over \$5 million of Schedule 6 as it comprises the council is the owner of the land on which the development is to be carried out. 	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2: Coastal Management <ul style="list-style-type: none"> • Section 2.10(1) & (2) - Development on land within the coastal environment area • Section 2.12 - Development in coastal zone generally — development not to increase risk of coastal hazards. • Section 2.13 - Development in coastal zone generally - coastal management programs to be considered. • Chapter 4 – remediation of land 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Subdivision 3 Electric vehicle charging units <ul style="list-style-type: none"> • Exempt development 	N/A
Proposed Instruments	No compliance issues identified.	Yes
LEP	<ul style="list-style-type: none"> • Permissibility and zone objectives (CI 2.3) • Height of buildings (CI 4.3) • FSR (CI 4.4) • Land acquisition (CI 5.1/5.1A) • Heritage (CI 5.10) • Acid sulphate soils (CI 7.1) • Flood planning (CI 5.21) • Earthworks (CI 7.2) • Essential services (CI 7.8) 	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Vegetation in non-rural areas of the B&C SEPP aims to protect the biodiversity and amenity values of trees within non-rural areas of the state. Clause 2.9 within Chapter 2 states that a Development Control Plan may make a declaration in any manner relating to species, size, location and presence of vegetation. The DCP provides controls on the management of vegetation in non-rural areas.

Minimal impact on biodiversity is proposed as a result of a small amount of tree removal, no threatened species are proposed for removal. A Landscape Plan and arboriculture comment is provided Landscape Plan dated 18 March 2022 prepared by CUSP landscape designers. Nine (9) existing native trees are proposed for retention. Three of these trees, which are small to medium in size, require minor trimming due to proximity to the building (Tree 5, 6 & 7). The extent of trimming is deemed acceptable for the survival of the species.

The remaining existing trees and shrubs surrounding the existing building are proposed for removal, with substantial replacement planting of a range of tree species, shrubs and groundcovers proposed. The landscaping proposed contribute to the streetscape character and enhance the appearance of development from the street and neighbouring properties

Chapter 4 Koala habitat protection 2021

The land is not core koala habitat and the land does not have an approved koala plan of management applying to the land. No further assessment is required under this chapter.

State Environmental Planning Policy (Industry and Employment) 2021

Building identification signage for the subject development (Community Facility) is included in the proposal, in addition way finding signage for the precinct is included (refer Appendix B of the Design Report lodged with application).

Part 3.2 Signage generally

3.6(b) – that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5

The proposed signage is consistent with the 8 design criteria;

- Character of the area,
- Special areas,
- Views and vistas,
- Streetscape, setting or landscape,
- Site and building,
- Associated devices and logos with advertisements and advertising structures,
- Illumination,
- Safety.

The proposed identification signage visible from the streetscape includes small to medium size wall mounted signs and freestanding low height pylon signage. The scale, proportion and form of the signage, and colour scheme with no LED flashing components, is appropriate for the setting and is compatible with the desired future character of the area.

The signage improves the public domain by improving pedestrian, cyclist and vehicle way finding when navigating the precinct that comprises the TAFE, medical centre, amenities, ambulance station, community facility & library and car parking areas.

3.11 Matters for consideration

The proposed has been assessed in accordance with the assessment criteria in Schedule 5. The proposed is considered consistent with the objectives of this Chapter.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Council related development over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

Part 2.2 Development Controls for Coastal Management Areas

Division 3 Coastal environment area

The site is located at 24 Treelands Drive Yamba, located within the Coastal Environment Area map and therefore the State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the development application

Section 2.10(1) & (2) - Development on land within the coastal environment area

The proposed development is not likely to cause any impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, natural coastal processes. The site is not within proximity of a foreshore, beach, headland or rock platform or sensitive coastal areas, no works will effect any of these areas.

Section 2.12 - Development in coastal zone generally

Development not to increase risk of coastal hazards on that site or surrounding land.

Section 2.13 - Development in coastal zone generally

This clause requires Council to take into account the provisions of any certified coastal management programs, none of which apply to the site.

The site is approximately 400m from a wetland buffer zone located to the south. The stormwater runoff associated with the site will be adequately managed and no pollutants will occur as a direct result of this development.

Chapter 4 – remediation of land

4.6 Contamination and remediation to be considered in determining development application.

The current land use is for a community facility and no adjoining land uses indicate potential for contamination. There has been no previous use that indicates potential contamination requiring any further testing or remediation measures.

The site has been previously filled. A Geotechnical Report was lodged whereby the investigation revealed the area of the proposed development is underlain by fill comprising sand and silty sand to depths ranging from 0.9 m to 1.8 m. Council is satisfied with the existing fill material and that the land is not contaminated.

With regard to asbestos, it is unlikely asbestos containing building materials are present as the building was constructed in 1999, however a condition has been applied requiring the demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Subdivision 3 Electric vehicle charging units

The proposed plans include two car spaces for future use as spaces for Electric Vehicle charging unit. The intent is to adapt two car parking spaces to allow for future EV stations to be installed.

The provision of EV charging units is development permitted without consent if carried out by a public authority, such as Council, pursuant to CI2.124. No further assessment is required under the subject development application.

Clarence Valley Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Clarence Valley Local Environmental Plan 2011* ('the LEP'). The proposed Community Facility is consistent with these aims of the LEP.

Zoning and Permissibility (Part 2)

The site is located within the SP2 Infrastructure Zone pursuant to Clause 2.2 of the LEP.



According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of *Community Facility* which is a permissible use with consent in the Land Use Table in Clause 2.3.

The *Information and Education Facility* (Library) portion of the building is ‘development that is ordinarily incidental or ancillary to development for that purpose’, which is a permissible use with consent in the Land Use Table.

Clause 4 (contained in the Dictionary) definition as follows;

community facility means a building or place—

*(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed development provides social infrastructure by constructing a Community Facility with associated library and carpark to support the parking needs of the Community Facility and the existing TAFE,
- The building aims to serve the community by providing a well designed, inclusive and safe space for community activities such as but not limited to meetings, learning, recreating and art displays.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3)	N/A	Not applicable, site does not fall within the maximum height of building map.	N/A
FSR (CI 4.4)	N/A	Not adopted.	N/A
Land acquisition (CI 5.1/5.1A)	N/A	Not applicable.	N/A

Heritage (CI 5.10)	Consideration against this clause.	<p>No heritage item was identified and the site is not within a heritage conservation area.</p> <p>An Aboriginal Heritage Information Management System (AHIMS) web service search for Lot 3 DP1203064, conducted by Council on 04 April 2022, found the development is within 200m of a known area of Aboriginal cultural heritage significance.</p> <p>In order to ensure the proposal conserves Aboriginal objects and Aboriginal places of heritage significance, a condition of consent has been applied requiring construction works to stop to allow due diligence if a relic has been discovered. The proposal is considered consistent with the aims and objectives of this clause.</p>	Yes
Acid sulphate soils (CI 7.1)	A management plan is required if more than 1 tonne of soil will be disturbed by the works below natural ground level and Works by which the watertable is likely to be lowered.	<p>The subject land is identified as containing Class 2 Acid Sulfate Soils.</p> <p>A preliminary assessment determines that a plan is not required.</p> <p>Site investigation, including sampling and laboratory testing were undertaken and are reported in the attached Geotechnical Investigation by Douglas Partners. It concludes that the sampled fill and marine sand are unlikely to be Potential Acid Sulfate Soil and that an ASS Management Plan is not considered necessary as the proposed high level footings will not disturb possible ASS at 2m below the existing ground level.</p>	Yes
Flood planning (CI 5.21)		Site is not subject to the flood planning level. The site is currently above the 1 in 100 year flood level (approx. 2.3 AHD). The site is level ranges from 2.37 to 2.95 AHD.	Yes

		<p>The precinct, including the subject site, was since filled as part of the surrounding residential & commercial development.</p> <p>No alterations to the land are proposed that will result in adverse or cumulative impacts on flood behaviour and the environment.</p>	
Earthworks (CI 7.2)		Minor earthworks are proposed for the site preparation prior to construction. No cut or fill is proposed.	Yes
Floodplain Risk Management (CI 7.4)		<p>The site is located between the flood planning area and the line indicating the level of the probable maximum flood (PMF) as shown on the Flood Planning Map, and land surrounded by the flood planning area.</p> <p>The site is not listed as a type of vulnerable land use per cl7.4(3) whereby the safe occupation of, and evacuation from, the land is required to be considered to the satisfaction of Council.</p> <p>It is noted no significant increase in occupant numbers are proposed as compared to the existing Community Facility, therefore the development enables the safe occupation and efficient evacuation of people in the event of a flood.</p>	Yes
7.8 Essential services		Council is satisfied that the following services, electricity supply, water supply, stormwater connection, sewer connection and road access, that are essential for the proposed development are available.	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

No proposed instruments which have been the subject of public consultation under the EP&A Act and are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Clarence Valley Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011* ('the DCP')

No DCP non-compliances are proposed.

A detailed Table: Consideration of the DCP Controls is provided as an attachment.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Clarence Valley Contributions Plan 2011*

Section 7.12 levy rates for development other than Residential Accommodation development.

This Contributions Plan has been considered, no contributions are levied for Community Facilities.

Further, the development is exempt from all Section 94 and Section 64 charges under the *Development contributions for community facilities policy*.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- Demolition of the existing building is addressed in the recommended draft conditions with regard to provisions of AS 2601 The demolition of structures;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be consistent with the context of the site, in that the proposed Community Facility is appropriate as a result of the strategic intent for the regional and local context. The development provides a series of co-located services and community spaces within the building and provides a shared car parking area to support the precinct, including the Community Centre, the medical centre and the NSW TAFE.

The proposed building form presents a sympathetic response to the streetscape and is of a suitable bulk and scale that positively contributes to the desired future character of the area.

- Access and traffic – A Traffic Impact Assessment report has been provided to support the application. The predicted traffic attributable to the proposed development is estimated to be 53 vph (ie 32 in and 21 out) during the morning peak hour and 62 vph (ie 26 in and 36 out) in the evening peak hour. Resulting in a net increase of 20 vph in the morning and 24 in the evening. The proposed development is expected to generate approximately an additional 1 vehicle every three minutes during the peak hour. Therefore, the increase in peak period traffic generation associated with the development is not expected to have a significant impact on traffic operations of the external road network and does not warrant further assessment.

Public transport is easily accessible with a bus stop located along the Treelands Drive frontage. The proposal also include provision of 20 bicycle spaces in accordance with Austroads requirements (refer Attachment C) to encourage active transport. The proposed development is expected to have a negligible impact to road safety on the surrounding road network. Further, road upgrades have been completed within Treelands Drive as a result of the approved development of the TAFE building (approval DA2018/0172) within the precinct.

There are two proposed drop-off / pick-up bays incorporated into the site layout. One at the western end of the building and one centrally located both accessed via the one-way internal roadway from Treelands Drive.

- Public Domain – The proposal improves the public domain, whereby providing strong through-site pedestrian linkages connecting the Community Facility to Lady Nelson Place and Parkview Crescent, in addition to connection via the primary frontage on Treelands Drive.
- Utilities – All utilities available at the site. No upgrade to key utilities is required as a result of the larger building as compared to that of existing.
- Heritage – The site does not contain or adjoin a heritage item nor is within a Heritage Conservation Area (HCA).
- Flora and fauna impacts - Minimal impact on biodiversity is proposed as a result of a small amount of tree removal, no threatened species are proposed for removal. A

Landscape Plan and arboriculture comment is provided. Nine (9) existing native trees are proposed for retention (one tree requires minor trimming due to proximity to the building). The remaining existing trees & shrubs surrounding the existing building are proposed for removal, with substantial replacement planting of a range of tree species, shrubs and groundcovers proposed. The landscaping proposed contribute to the streetscape character and enhance the appearance of development from the street and neighbouring properties.

- Noise and vibration – construction noise is mitigated by a condition imposing restricted construction hours, further the reduced construction hours (rather than 8.00 am to 6.00 pm on Saturdays) has been applied as applicable to development adjoining residential development. The operational impacts on neighbouring residential amenity have been mitigated by a condition imposing restricted hours to limit noise in the early mornings and late at night.
- Natural environment & Natural hazards – is the site is not affected by any natural hazards such as flooding, or bushfire and no land contamination is present. No changes to the natural contours of the site are proposed
- Safety, security and crime prevention – Crime Prevention Through Environmental Design (CPTED) principles have been addressed. The proposed rear open car park includes lighting; a detailed lighting plan and lighting details accompanies the application documentation. Vegetation buffers are provided around the car park permitted which allows some privacy as well as some passive surveillance. Passive surveillance from the TAFE building is also provided as no boundary fencing is proposed between the two allotments.

An improved outcome is achieved as a result of the proposed car parking, as compared to existing where a vacant allotment is located. This space currently does not have any lighting to discourage loitering at night-time which can lead to noise or anti-social behaviour.

- Social impact – the development directly contributes to an improved sense of place, provision of community facilities and improves interactions between the new development and the community. An beneficial economic impact will also occur as a result of increased employment generation.
- Construction – construction noise is mitigated by a condition imposing restricted construction hours, further the reduced construction hours (rather than 8.00 am to 6.00 pm on Saturdays) has been applied as applicable to development adjoining residential development. A Construction Management Plan (CMP) is required prior to commencing works mitigating impacts via traffic control and management.
- Cumulative impacts – the proposal will not result in any adverse cumulative impacts and is consistent with the planning controls.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

- The proposed single storey community Facility fits within the locality, is within proximity to transport infrastructure,

- Is the site is above the 1 in 100 flood level and minimal effect from coastal hazards,
- The site attributes such as zoning, location, adjoining uses in the precinct are conducive to the development.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

Is in the public interest for the following reasons;

- The site is located within in a precinct area planned for community infrastructure,
- Potential impacts on the adjoining residential properties are mitigated,
- The proposal is consistent with planning controls
- Safety of the public has been ensured by implementing CPTED design elements, designing the internal roadway as a 10km/hr 'share zone' and providing appropriate pedestrian pathways,
- Will provide social benefits; the development purpose is for social infrastructure constructing a Community Facility with associated library and carpark for public benefit,
- Consistent with the principles of ecologically sustainable development
- Proposal complies with Council controls and policies, the objectives of the EP&A Act

On balance the proposal is consistent with the public interest.

3.6 Other matters for consideration

Local Government Act 1993

Lot 3 DP 1203064 and Lot 22 DP 1245921 are land owned by Council in fee simple. The land is classified as 'Community' and is categorised under the Treelands Drive Reserve Plan of Management (PoM) as 'General Community Use'.

Consequently, the management, use and embellishment of the land is to be guided by the PoM and the provisions of Chapter 6 Part 2 of the *Local Government Act 1993*. The core objective of this category of land is:

36 Preparation of draft plans of management for community land

(3A) A plan of management that applies to just one area of community land—

(b) must—

- (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and*
- (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and*
- (iii) describe the scale and intensity of any such permitted use or development*

The project is consistent with this core objective as the proposed buildings will assist the community to meet its "physical, cultural, social and intellectual welfare" by providing a community centre and a library with associated parking.

The current project is consistent with the site-specific Treelands Drive Reserve PoM, which specifically authorises the redevelopment of the community facility, inclusive of redevelopment of the Community Centre and any other community infrastructure supported by a Council resolution. The proposed redevelopment involves improvements to the existing facilities and construction of new facilities that will enhance community-based education

(library), as well as providing new spaces for children's and family activities and social activities. It also includes alterations and additions to car parking associated with new development. Further, it flags future development such as the rebuilding of the community centre and infrastructure identified in the Cultural and Community Facilities Plan (2009).

The Cultural and Community Facilities Plan references (on page 87) the Treelands Community Centre expansion as a high priority need within the next five years (which was by 2015). It also states that co-location of libraries in multipurpose centres outside of Grafton is appropriate.

The proposed community centre is considered appropriate to proceed as this is captured in the existing PoM. However, a revised PoM is considered to be required prior to its occupation and use because the operation and use of the new building will result in revised/new objectives for the management of the land, leasing and licencing of activities/use of the facility as relevant to the LG Act 1993 that are to be articulated in a PoM. It is considered that a condition of development consent is not required for a revised PoM pursuant to the assessment requirements under Cl4.15 of the *Environmental Planning and Assessment Act 1979*.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application did not require to be referred to any agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	Not Applicable.	N/A
Rail authority for the rail corridor	Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Not Applicable.	N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	Not Applicable.	N/A

Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Not Applicable.	N/A
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	Not Applicable.	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	Not Applicable.	N/A
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	Not Applicable.	N/A
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Not Applicable.	N/A
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Not Applicable.	N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
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Engineering	<p>Council's Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions.</p> <p>Internal access passes through lots other than those being developed, a right of way for access must be created, or lots consolidated to ensure legal access is provided to each lot.</p> <p>A ROW was created as a result of the TAFE development, in line with the intent of the masterplan for the precinct, developed in 2018. A review of the Deposited Plan confirms legal access is provided for vehicles and pedestrian access. Further the lodged 'Site Identification' plan identifies these easements.</p> <p>Council's Engineering Officer and Planning Officer reviewed the proposal and traffic report lodged with the application in relation to traffic generation and car parking. No issues are raised.</p>	Y
Building	Council's Building Surveyor reviewed the proposal and considered that there were no objections subject to conditions.	Y
Health	Council's Environmental Health Officer reviewed the proposal and considered that there were no objections subject to conditions.	Y
Waste	Council's Waste and Sustainability Officer reviewed the proposal and considered that there were no objections subject to conditions.	Y
Trade Waste	Council's Trade Waste Officer reviewed the proposal and considered that there were no objections subject to conditions.	Y
Reserves/OpenSpace/Native Title	<p>Council's Strategic Planner (Public Land/Native Title) Officer reviewed the proposal.</p> <p>The Plan of Management needs to specify that the new building can be used as a library, that is ancillary to the primary use as Community Facility.</p> <p>The preparation and adoption by Council of a new PoM for the use and management of land as per the requirements of Chapter 6 Part 2 of the <i>Local Government Act 1993</i> is required to be completed prior to the issuing of an Occupation Certificate for the new building.</p>	Y

The comments in the referrals from Council staff have been considered by an independent peer review.

4.3 Community Consultation

The proposal was notified in accordance with the Clarence Valley Council Community Participation Plan 2022 from 5 April 2022 until 22 April 2022. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (approximately 42 letters sent);
- Notification on the Council's Exhibited Development Applications website.

The Council received a total of 22 unique submissions, comprising 20 objections and 2 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 6: Community Submissions

Issue	No of submissions	Council Comments
Stormwater Submissions raised concern the development will adversely impact flooding within the locality.	6	<p>The application proposes an appropriate stormwater management network which will capture and control discharge of stormwater. Stormwater runoff from the roof area is proposed to be conveyed to above ground rainwater tanks. Pits and pipe network is proposed to convey any rainwater tank overflows and ground flows to water quality treatment devices which go into onsite detention (OSD) basins across the site. It is proposed to discharge stormwater runoff from the site to existing stormwater infrastructure within Treelands Drive, Lady Nelson Place, and community health centre driveway.</p> <p>Stormwater modelling has been submitted to demonstrate the proposed stormwater management chain, including discharge to watercourse, and will not have negative impacts on downstream properties in peak storm events.</p> <p>Council's Development Engineer has reviewed the proposal and raises no objections to the proposed stormwater management arrangements.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
Flooding in the wider Yamba area	7	<p>The development will not have negative impacts on downstream properties in peak storm events and will avoid adverse or cumulative impacts on flood behaviour and the wider environment. The land has</p>

<p>Submissions raised concern regarding flooding on a larger precinct and district scale. And concern raised regarding suitable evacuation during a flood event</p>		<p>been previously filled and there is no additional filling of the site proposed.</p> <p>The proposal will not adversely exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, considering the increase in the number of people predicted to use the site compared to the number of people using the existing community centre. This is considered consistent with the Clarence Valley Local Emergency Management Plan (EMPLAN).</p> <p>Outcome: This issue has been satisfactorily addressed</p>
<p>Acoustic impacts</p>	<p>4</p>	<p><u>During demolition and construction</u> Council has considered the potential for noise and vibration impact on adjoining properties, concluding the likely noise as a result of demolition and construction is satisfactory. Conditions of consent has been applied to manage the hours of construction and demolition and to manage noise associated with machinery and the like to minimise impact.</p> <p><u>During occupation</u> The uses of the Community Facility includes event types proposed to book the meeting room spaces after core operation hours (after 5:30pm until 7:30pm) per the lodged operation plan.</p> <p>A condition of consent has been applied in regard to the hours of operation of the community centre restricting operation hours to between 8am and 10pm with no amplified music or noise to occur after 7.30pm. Outdoor activities will not be allowed after 6.00pm.</p> <p>Further a condition has been applied ensuring the use of the premises shall not generate offensive or intrusive noise in accordance with the <i>Protection of the Environment Operations Act 1997</i>. And a condition applied should a complaint be received by Council and the noise determined to be “offensive noise” as defined under the Protection of the Environment Operations, the applicant shall review and recommend reasonable and feasible methods of attenuation.</p> <p>A 2m high acoustic rated timber fence is proposed along the northern boundary of Lot 3 adjacent to the proposed Community Facility, per the Acoustic Report and drawings.</p>

		<p>A 1.8m solid fence will be installed along the northern and eastern carpark boundaries replacing the portions of approximately 1.5m high existing fence. The noise levels emitted from the vehicles was assessed as being acceptable with a continuous solid colourbond fence material which will provide sufficient noise attenuation, per the Acoustic Report and addendum information received by Council and the Traffic Impact Assessment report which calculated the noise emissions and vehicle movements.</p> <p>Outcome: This issue has been satisfactorily addressed by amended plans/additional information.</p>
Visual Privacy impacts	4	<p>Vegetation buffers are provided around the car park permitted which allows some privacy.</p> <p>Small to medium sized shade trees are proposed along the perimeter of the car park within the landscape setback to provide visual screening. The eastern boundary has a limitation to the extent of tree planting due to the existing concrete channel needing to be retained for drainage purposes. However smaller shrubs and ground covers are proposed in addition to shade trees towards the corners.</p> <p>In addition a 1.8m high fence is proposed around the perimeter of the development both the Community Facility building and the car park. The existing portions of boundary fencing which are approximately 1.5m high will be increased to 1.8m.</p> <p>A condition of consent is also applied requiring fence top screening adjacent to the windows of the dwellings along the eastern boundary of the carpark, until such time that the landscaping reaches a mature height to act as a landscape buffer for privacy and minor light spill.</p> <p>Outcome: This issue has been satisfactorily addressed by amended plans/additional information.</p>
Safety	3	<p>Safety, security and crime prevention – CPTED Principles have been addressed. The proposed rear open car park includes lighting to deter anti-social behaviour at night-time; a detailed lighting plan and lighting details accompanies the application documentation. A condition has been applied requiring the lighting to be the minimum level of illumination necessary for safe operation and must be designed, installed, and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. Exterior lighting on the site shall be</p>

		<p>designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. And for fence top screening to be installed adjacent to the windows of the two dwellings adjacent the eastern boundary of the proposed car park to reduce nuisance light impacts, whilst still allowing light for safety.</p> <p>Vegetation buffers are provided around the car park permitted which allows some privacy as well as some passive surveillance. Passive surveillance from the TAFE building is also provided as no boundary fencing is proposed between the two allotments.</p> <p>An improved outcome is achieved as a result of the proposed car parking, as compared to existing where a vacant allotment is located. This space currently does not have any lighting to discourage loitering at night-time which can lead to noise or anti-social behaviour.</p> <p>Outcome: This issue has been satisfactorily addressed</p>
<p>Accessibility and Useability</p> <p>Submission raised concerns with the number of accessible parking spaces and the intended use and user groups of the building.</p>	1	<p>The development includes Community Facility comprising; Library, Gallery, meeting rooms, community kitchen for multiple user groups (youth, seniors and various community groups). The area allocations and usability is considered acceptable.</p> <p>The building is to be designed at detailed design stage to be in accordance with accessible requirements of the BCA for this particular building class. Further, amended plans were lodged including an additional accessible car parking is provided</p> <p>Outcome: This issue has been satisfactorily addressed by amended plans/additional information and subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
<p>Aesthetics</p> <p>Concern was raised with the materials and attractiveness of the building.</p>	1	<p>A materials schedule has been included in the lodged documentation. The proposed materials are considered of an appropriate quality, adequate articulation and visual interest is provided, the building maintains the character of the streetscape whilst introducing modern materials and design elements appropriate for the Community Facility.</p>
<p>Sustainability</p> <p>Concerns were raised regarding reuse and</p>	1	<p>A detailed Waste Management Plan was lodged with the application to address demolition, construction and operation waste generated as a result of the proposed development.</p>

recycling of materials		<p>The proposal is considered consistent with the Clarence Valley Waste-not development control policy 2014.</p> <p>Outcome: This issue has been satisfactorily addressed</p>
Project funding	10	<p>The project funding arrangement is an item that is not assessed under CI4.15 - evaluation of development that needs consent, under the EP&A Act.</p>

5. KEY ISSUES

The following key issues, as above, as relevant to the assessment of this application have been considered the relevant planning controls and the proposal in detail.

Resolution:

Amended plans and additional information was received during development assessment per request from Council. The amended plans resulted in an improved planning and design outcome, no increase in impact or significant changes to the proposal resulted, therefore the application did not require formal re-notification.

Further, some issues has been resolved through recommended conditions of consent as outlined in **Attachment A**.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

No key issues remain unresolved, development results in an appropriate urban design outcome, the site is deemed suitable, and the proposal is compatible with the locality.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA No 2022/0237 for Demolition of existing community centre, construction of new Community Facility, car parking and associated landscaping at Lot 3 DP 1203064 & Lot 22 DP 1245921 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Tables of Compliance
- Attachment C: Architectural Plans
- Attachment D: Redacted submissions