
Yamba Community Centre



DA 2022/0237 Report Peer Review

Prepared for the Northern Regional Planning Panel and Clarence Valley
Council

by MikeSvikisPlanning

24 February 2023



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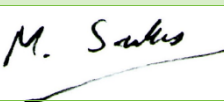
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EXECUTIVE SUMMARY

The purpose of this report is to provide an independent peer review of the final development assessment report prepared by Clarence Valley Council (CVC) for the proposed Yamba Community Centre (DA2022/0237).

The proposed development is consistent with the relevant strategic documents including the Clarence Valley Council Local Strategic Planning Statement 2020, the Community Strategic Plan – The Clarence 2032, the CVC Operational Plan 2022–2023, and the Treelands Drive Reserve Plan of Management (2018). It has been identified as a desired outcome in Council strategic planning since at least 2009.

The site is located in the SP2 Infrastructure (Community Facilities) zone pursuant to Clarence Valley Local Environmental Plan 2011 (LEP 2011). Council considers that although a library and gallery is separately defined (Information and Education Facility), it is a use that is a “development that is ordinarily incidental or ancillary to development for that purpose” (community facility). It is agreed that the use is permitted in the zone. It is common for smaller communities to co-locate a library and gallery with a community centre.

The Council report outlines that the development is compliant with the zone objectives and General Controls and Development Standards in LEP 2011. I agree that the development is compliant and no variations pursuant to clause 4.6 of LEP 2011 are required.

It is agreed that the development is compliant with relevant SEPPs. It is agreed that the development is compliant with Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zones. The Table of Compliance attached to the Council report demonstrates compliance with key controls such as building setbacks, landscaped area, car parking spaces, disability parking spaces, traffic impacts, signage and waste management.

The Council report adequately addresses the merit of the application and its likely impacts. It is agreed that the site is suitable for the proposed use and that subject to the proposed conditions, it will have minimal negative impacts on surrounding land use or the wider community.

The Council report identifies 22 submissions received from the public exhibition of the development application: two (2) in favour and 20 against. Key concerns raised in submissions are the need for the project, reuse of the existing building, visual and acoustic amenity, light spill impacts, flooding and stormwater, accessibility, room size and alternative designs, security in and around the site, project funding arrangements, and selling off other sites.

The Council report adequately addresses the concerns and issues raised in submissions.

The conditions proposed for the development are relevant and reasonable. A few matters are recommended to be added or altered. Subject to some minor changes, the conditions are supported.

The Council recommendation to approve the development subject to conditions is supported.

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1 PURPOSE OF THIS REPORT

The purpose of this report is to provide an independent peer review of the final development assessment report prepared by Clarence Valley Council (CVC) for the proposed Yamba Community Centre (DA2022/0237). The CVC report was prepared by J. Summerhayes and is dated 8 February 2023. The plan set is variously dated 18/03/22 (Rev DA1) and 14/07/22 (Rev DA2). The street address is 24 Treelands Drive, Yamba.

The development is for demolition of the existing Treelands Drive community centre, construction of a new community centre (including a gallery and library), car parking and associated landscaping. The applicant is a local consultant on behalf of CVC as the land owner.

This report is not intended to be a full reassessment of the CVC development assessment report. It will review the CVC report and recommendations in a strategic, statutory and site-specific merit context. It will also review the submissions and recommended conditions prepared by CVC.

Mike Svikis is an independent consultant planner and does not have any conflict of interest in relation to this project (actual or perceived). I am currently not engaged by CVC on any other planning projects. This report has been prepared with the utmost probity to ensure that the outcome is of a high standard and can be relied upon by the Northern Regional Planning Panel.

Mike Svikis inspected the subject land on 14 February 2023.

2 STRATEGIC MERIT

2.1 Clarence Valley Council Local Strategic Planning Statement 2020

The Local Strategic Planning Statement (LSPS) was adopted in 2020, and provides a broad strategic framework that sets the direction for land use planning in the Clarence Valley for the next 20 years. It includes priorities to manage growth and development, and to protect our environment and the character of our spaces and places.

Comment: This project is consistent with Priority 5 – *Provide for healthy, safe and well connected communities, particularly providing for social infrastructure* (page 34).

2.2 Community Strategic Plan – The Clarence 2032

Prepared in 2022, *The Clarence 2032* is a ten-year plan that sets out a long-term plan for a range of issues. It states that “[You told us you wanted] a community in which cultural assets and public art are valued and one that plays a role in celebrating local arts as well as bringing innovative opportunities to the Clarence Valley” (page 26); and “well-maintained facilities and amenities that serve the needs of a growing residential population and visitors to the area” (page 33).

Comment: This project will deliver a modern multipurpose community centre, gallery and library and is consistent with the Clarence Valley Community Strategy Plan 2032.

2.3 CVC Operational Plan 2022–2023

Updated each year, this plan states that “We will complete the design phase, consultation and DA processes for the Treelands Drive Community Centre upgrade” (page 6).

Comment: This project is consistent with the CVC Operational Plan 2022–2023.

2.4 Treelands Drive Reserve Plan of Management (2018)

Lot 3 DP 1203064 and Lot 22 DP 1245921 is 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:

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

Comment: 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 site-specific Treelands Drive Reserve PoM states:

Future Development of the Land

This PoM proposes, within the requirements of the Local Government Act 1993 and Environmental Planning and Assessment Act 1979, to support a range of additional ancillary community related uses on the site. Future development of the land is envisaged to include:

- *Alterations, additions and improvements to the existing land and buildings to provide improved facilities for the uses permitted by this Plan including alterations, additions or improvements to enhance community-based education, family, children’s, cultural, leisure, health, religious and social activities and limited commercial opportunities*
- *Construction of new facilities, including landscaping*
- *Alterations to car park layouts and additional car parking to improve parking associated with future development*
- *Rationalisation of the facilities to improve effectiveness and utilisation.*

Potential future development may include:

- *Extension(s) to and/or the rebuild of the existing Community Centre;*
- *Infrastructure to meet the needs of the community as identified in Council’s Cultural and Community Facilities Plan (2009) and/or Council’s community strategic plan; and*
- *Any other compatible community infrastructure supported by a Council resolution in the affirmative.*

Comment: The current project is consistent with this PoM because it 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.

Given the development will alter the structures and layout over much of the site, it is important that the PoM be updated when the development is completed (or under construction) to recognise the revised assets that will occupy the site in the long term. The new PoM should identify key uses such as the expanded community centre, library and car park. These actions to amend the PoM do not need to be conditioned in this DA.

3 STATUTORY COMPLIANCE

The site is located in the SP2 Infrastructure (Community Facilities) zone pursuant to clause 2.2 of *Clarence Valley Local Environmental Plan 2011* (LEP 2011). It is agreed that the demolition and construction of a building for the purposes of a community facility is permissible with consent in the SP2 zone.

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Extensive agriculture; Roads

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Community facilities; Environmental protection works; Flood mitigation works; Markets; Recreation areas

4 Prohibited

Any development not specified in item 2 or 3

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.

Comment: Council considers that although a library and gallery is separately defined (*Information and Education Facility*), in this case, it is a use that is “development that is ordinarily incidental or ancillary to development for that purpose.” The purpose being a community facility. This is a reasonable interpretation. It is common for smaller communities to co-locate a library with a community centre.

The Council report outlines that the development is compliant with the zone objectives and General Controls and Development Standards in LEP 2011. I agree that the development is compliant and no variations pursuant to clause 4.6 of LEP 2011 are required.

It is agreed that the development is compliant with relevant SEPPs. It is agreed that the development is compliant with Clarence Valley Development Control Plan—Environmental Protection, Recreation and Special Use Zones. The Table of Compliance attached to the Council report demonstrates compliance with key controls such as building setbacks, landscaped area, car parking spaces, disability parking spaces, traffic impacts, signage and waste management.

4 SITE-SPECIFIC MERIT

(i) The natural environment (including known significant environmental values, resources or hazards) and heritage

The subject land is either cleared grassland or contains the existing community centre, car parking, access and landscaping. It has minimal environmental values. Some mature landscape trees will be retained as identified on plans.

The subject land has been filled in the past and is not identified as being within a flood planning area based on the design flood event (1% AEP). It is affected by the Probable Maximum Flood (PMF). The site levels range from 2.37 metres to 2.95 metres AHD. The site is higher at the Treelands Drive frontage and lower at its eastern end. The 1% AEP flood event is approximately 2.3 metres AHD. The proposed ground floor level of the new building is 3.0 metres AHD. Therefore, the finished floor level will be equivalent to the 1% AEP flood event with a 0.7-metre freeboard. This is similar to adjacent floor levels such as the Yamba Community Health Centre. It is not proposed to fill the site. The lower parts of the subject land still exceed the 1% AEP flood height and will be used for car parking and circulation.

The site is not affected by bushfire hazard and is not known to be contaminated by past land use. It is mapped as containing Acid Sulfate Soils (ASS) class 2. This classification indicates ASS could be encountered at or near the surface of the land. Soil testing across the site indicates that neither actual nor potential ASS is present in the fill material that constitutes approximately the uppermost 2 metres of soil on the site. Imported fill was present to a depth of approximately 1.9 metres.

A geotechnical assessment of the site recommended that site preparation for the construction of pavement areas should include excavation to 0.5 metres below design subgrade level and stockpile excavated fill for assessment for its suitability for reuse. Unsuitable material should be removed and replaced with approved material compacted to the project specifications. Approved, well-graded, granular fill should then be placed in layers not exceeding 300 mm loose thickness and compacted.

The site does not contain or adjoin a heritage item nor is it within a Heritage Conservation Area. An item of Aboriginal heritage is listed as occurring within 200 metres of the subject land. Although the site is filled and highly disturbed, appropriate caution should be implemented to avoid any impact on Aboriginal heritage should it occur on the site.

(ii) The existing uses, approved uses and likely future uses of land in the vicinity of the proposal

The subject land is located in an area that currently contains a mix of community and education facilities such as the existing community centre, Yamba Community Health Centre, Yamba Ambulance Station and TAFE. It adjoins land that is used for residential purposes (north and east), and across Treelands Drive and Roberts Close are a variety of business and commercial land uses. The proposed development is within walking or cycling distance to a substantial residential area. It is well located to service other residential areas at West Yamba, which are currently in the development phase. The subject land will be fully used at the completion of this project, unless the air space above the proposed car park is developed in the long term.

The proposed development is single storey (no height controls are stipulated in the LEP or DCP) and shadow diagrams show no adverse impacts solar impacts on neighbouring land uses. Appropriate fencing and landscaping will retain privacy for neighbouring dwellings.

An easement across adjacent TAFE land will allow a low speed vehicle access to the proposed car park at the rear of the site. This will be a benefit to all community and education facilities in the precinct.

(iii) **The services and infrastructure that are or will be available to meet the demands arising from the proposal**

The site has existing connections to reticulated water and sewerage that can be used for the proposed development. It also has existing mains power and telecommunication connections.

A stormwater management plan has been prepared that limits post development flows to existing site flows up to the 1% event. It allows for 85 m³ of on-site detention in multiple locations, plus 23 m³ of rainwater tanks that will be reticulated to toilets as well as outside taps for lawn irrigation and landscape watering. Stormwater quality standards will be achieved by multiple water sensitive urban design measures such as biofiltration media for hardstand and landscaping runoff, permeable pavers with filter media and SPEL filters for hardstand and car park areas, and grass buffer strips to hardstand. Council's targets for Total Suspended Solids, Nitrogen, Phosphorous and Gross pollutants are all predicted to be achieved. Stormwater, after detention and treatment, will exit the site via multiple existing and proposed stormwater pits.

Vehicle access will be one-way based on the existing entry point from Treelands Drive to access the 46-space car park at the rear of the site. Two drop-off bays are identified on plans. Vehicles will exit the site via Roberts Close. Two disability car spaces and two EV recharge car spaces are provided. Four bicycle racks are located near each entry point and 12 bicycle racks are located in a rear bike shed. Internal circulation is adequate and parking for both cars and bicycles exceeds the minimum requirements. The site can accommodate regular on-site servicing for an 8.8-metre-long Medium Rigid Vehicle and occasional access for a 12.5-metre-long Heavy Rigid Vehicle or rigid bus.

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 vph in the evening. The proposed development is expected to generate approximately an additional one vehicle every three minutes during the peak hour. This is not significant and is within the capacity of the road network. No alterations to the vehicle access points from Treelands Drive or Roberts Close are warranted. The proposed development is expected to have a negligible impact on road safety in the surrounding road network. A public bus service is located on Treelands Drive and a bus stop is located on the frontage to the subject land.

Comment: The Council report adequately addresses the merit of the application and its likely impacts. It is agreed that the site is suitable for the proposed use and subject to the proposed conditions, it will have minimal negative impacts on surrounding land use or the wider community.

5 SUBMISSIONS

The Council report identifies 22 submissions received from the public exhibition of the development application: two (2) in favour and 20 against. Key concerns raised in submissions are the need for the project, reuse of the existing building, visual and acoustic amenity, light spill impacts, flooding and stormwater, accessibility, room size and alternative designs, security in and around the site, project funding arrangements, and selling off other sites.

Issues such as the project funding arrangements or whether Council will sell other sites to pay for the project are not matters that can be considered as issues of merit under the *Environmental Planning and Assessment Act 1979*.

The site is not flood prone in the 1% AEP event, but projected floor levels at 3.0m AHD are the equivalent of the 1% AEP event plus a 0.7-metre freeboard.

The need for this project has been established in multiple strategic documents since the Cultural and Community Facilities Plan in 2009. More recently, the Treelands Drive Reserve Plan of Management (2018) and CVC Operational Plan 2022–2023. Council has established the need for this facility over many years.

Retain the existing building or reuse it in the new design – CVC undertook analysis in 2018 to determine the feasibility of retaining and reusing the building. The building was evaluated as being too small for future use and requiring substantial modernisation of all engineered services and improvements to leaking roof and glazing. As the original design was completed in the early 1990s, it lacked efficient mechanical systems for heating and cooling, and was not suited to reticulating substantial new power and data required in a modern facility. Upon commencement of the current design phase in 2021, spatial studies and high-level costings were undertaken to determine the viability of retaining and reusing the structure. Placement on site was not suited to facilitate future use and maximisation of available site for increased floor space. By retaining and refurbishing the existing structure, any new buildings would need to be two storeys to achieve the required floor area. This would trigger a requirement for elevated concrete work, a passenger lift and heightened fire obligations. All of the above would impact on budget and significantly offset the carbon savings of not demolishing.

Room size and alternative designs – the proposal will expand current library floor space as well as multipurpose community centre space, a gallery and operational capacity. It is a fit-for-purpose building that has been intentionally kept at single storey to complement the scale of neighbouring development. Community centre room sizes are variable to cater for a broad range of groups and needs.

The Council report recommends conditions that specifically address the following:

- Accessibility matters – to be addressed in detailed design.
- Light spill impacts – compliance with Australian Standard and a site-specific light compliance report.
- Stormwater – compliance with stormwater management plans will control expected stormwater quantity and quality.
- Visual and acoustic amenity – installation of acoustic boundary fencing or 1.8-metre Colorbond fencing on all residential boundaries.
- Security in and around the site – all adjacent residential properties will have 1.8-metre-high fences on adjoining boundaries. The car park and site access will have security night lighting. Security cameras can be added at a later date, if required. The rear car park is accessible in two directions increasing its surveillance.

Comment: The Council report adequately addresses the concerns and issues raised in submissions.

6 CONDITIONS

The conditions proposed for the development are relevant and reasonable. A few matters that are recommended to be added or altered are as follows:

- The condition set be arranged in the standard format and numbering system preferred by the Northern Regional Planning Panel to make it easier to interpret over the phases of the development.
- The condition relating to car parking be amended to include:
 “Two car parking spaces shall be set aside for electric vehicle recharging and equipped with the relevant charging equipment.”

This is shown on plans but needs to be clear in the consent.

- The condition requiring that the Treelands Drive Reserve PoM be amended prior to the issue of an occupation certificate should be deleted. Although PoMs should be kept up-to-date (and the update is supported), it is not a condition that should limit this consent. It is a separate process, subject to its own legal requirements.
- Noise compliance with the *Protection of the Environment Operations Act 1997* is a given and not required to be restated in this consent. Noise related conditions specific to this site are included.
- The condition relating to exterior lighting should be amended to include:
 “Fence-top screens are to be installed adjacent to the windows of the two dwellings that abut the eastern boundary of the proposed car park to reduce nuisance light impacts pending landscape maturity along this boundary.”

These two dwellings are less than 1 metre from the eastern side boundary and have the highest light spill exposure.

Comment: Subject to the above recommended changes, the conditions are supported.



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