

ITEM	6b.20.044	DA2020/0220 REDEVELOPMENT OF CALYPSO CARAVAN PARK, 8A HARBOUR STREET, YAMBA
Meeting	Environment, Planning & Community Committee	16 June 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Clarence Valley Council
<i>Owner</i>	Crown Lands NSW – Council as Crown Land Manager
<i>Address</i>	8A Harbour Street, Yamba
<i>Submissions</i>	Nil in relation to the offer for works and material public benefits in lieu of capital contributions offered under DA2020/0220; Four – in relation to the development

Council as Crown Land Manager intends to offer a portion of the land of Lot 7306/1140375 to be developed into a Town Green for public use, including the cost of works estimated at \$400,000.00, in lieu of Capital Contributions payable under Council's adopted Clarence Valley Contributions Plan.

The application is identified as being Regionally Significant Development under State Environmental Planning Policy (State and Regional Development) 2011, being Council related development over \$5 million and the development is being carried out by the Council. The Joint Regional Planning Panel (Northern) (JRPP) is the consent authority under 5.4(b) of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

This report is provided to Council for consideration of the offer and whether it is supported or not supported for the determination to be made by the JRPP. A date for the JRPP meeting has not been set down at this stage.

OFFICER RECOMMENDATION

That:

1. Council accepts the offer for works and material public benefits offered under DA2020/0220 which is consistent with the Contribution Plan, so that the Consent Authority (being the JRPP for this application) may impose a condition under Section 80A of the EP&A Act requiring the works to be carried out.
2. The material public benefits will be provided wholly in lieu of the requirement to make a Local Infrastructure Contribution.

Cr Kingsley and Cr Simmons, having declared an interest in this item, left the EP&C Committee meeting at 3.39 pm and returned at 3.42 pm.

COMMITTEE RECOMMENDATION

Novak/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Williamson

Against: Nil

Moved by Cr Kingsley, seconded by Cr Lysaught: That Cr Baker assume the Chair for this item. CARRIED. Cr Kingsley (Deputy Mayor) and Cr Simmons (Mayor) having declared an interest in this item, left the Council meeting at 4.50 pm and returned at 4.52 pm. Mayor Simmons resumed the Chair at 4.52 pm

COUNCIL RESOLUTION – 6b.20.044**Williamson/Lysaught****That:**

- 1. Council accepts the offer for works and material public benefits offered under DA2020/0220 which is consistent with the Contribution Plan, so that the Consent Authority (being the JRPP for this application) may impose a condition under Section 80A of the EP&A Act requiring the works to be carried out.**
- 2. The material public benefits will be provided wholly in lieu of the requirement to make a Local Infrastructure Contribution.**

Voting recorded as follows:**For: Baker, Ellem, Clancy, Novak, Williamson, Lysaught, Toms****Against: Nil****LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Council received DA2020/0220 on 30 April 2020 for the redevelopment of the Calypso Caravan Park. The reserve is owned by Crown Lands NSW and Council Crown Land Manager of the reserve.

Calypso Caravan Park is located in Harbour Street on Lot 202 DP727306, Lot 7306 DP1140375 and Lot 266 DP822794 and is located within Public Reserve 815523. The park also has 400 metre frontage on Lots 7320 DP1162093 and Lot 7042 DP1023322 between the reserve and the adjoining Yamba Bay foreshore. The Port Authority operates the Pilot Vessel from Pilot Wharf that gains access through the park, currently through the existing park access point.

The proposal includes a reduction in the number of sites from 168 to 133, a new holiday park entrance off River Street, demolition of ageing facilities, new internal infrastructure, new communal facilities, new tourist cabins, removal of disused fuel tanks, site rehabilitation, landscaping and fencing. A full description is outlined in the extract of the Statement of Environmental Effects which is an attachment to this report.

Council's Contributions Plan authorises Council to impose conditions on development consents for Section 7.12 levies as per the following formula:

Clarence Valley Contributions Plan 2011 Section 7.12 Levy Rates for Development Other Than Residential Accommodation.		
Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:		
Development Type*	Levy Rate	GL S94ACVCOthResAcco
Proposed cost of carrying out the development is up to and including \$100,000	Nil	Nil
Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000	\$ (Value of Development) x 0.005 = \$	
Proposed cost of carrying out the development is more than \$200,000	\$ (Value of Development) x 0.01 = \$	

The cost of the development is estimated to be \$8,750,000.00 and the contribution payable under the plan would be \$87,500.00. The applicant has advised that the cost to construct the public benefit (the Town Green) is estimated to be \$400,000.00.

The application for the request for dedication and development for the Town Green in lieu is provided as an attachment to this report.

The breakdown of the proposed works are to include coloured concrete pathway, decomposed granite ground surface, hardwood casual seating overlooking Yamba Bay, hardwood picnic platform located along each side of central pathway, sandstone seating block, signage to Town Green Entry Statement, surrounding turfed area to Yamba Town Green, new low level planting areas (including *Syzygium australe* - Brush Cherry, *araucaria heterophylla* - Norfolk Island Pine, *pandanus pedunculatus* - Screw Pine, *cupaniopsis anacardiodes* – Tuckeroo), artwork of Yaegl Traditional Owners and lighting.

KEY ISSUES

Issue 1 - Clarence Valley Contribution Plan 2011

Clause 2.18.2 of the plan provides that works in-kind and other material public benefits offered in part or full satisfaction of contribution requirements can be considered under the following terms:

2.18.2 - Offer of land or a material public benefit made before the imposition of a Local Infrastructure Contribution condition under this Plan

An applicant for consent to carry out development to which this Plan applies may request that any Development Consent granted to the development is made subject to a condition that the applicant dedicates land free of cost, carries out work or provides another material public benefit that would satisfy the requirements of this Plan in relation to the development.

The applicant's request:

- *May be contained in the relevant Development Application; or*
- *May constitute an offer to enter into a planning agreement relating to the development accompanied by the draft agreement.*

The Consent Authority will consider the request as part of its assessment of the Development Application. If the Consent Authority decides to grant consent to the development and agrees to a request made in the relevant Development Application, the Consent Authority, may impose a condition under Section 80A of the EP&A Act requiring the land to be dedicated, the works to be carried out or the material public benefit to be provided wholly or partly in lieu of a requirement imposed by a condition of Development Consent authorised by the Plan that the applicant make a Local Infrastructure Contribution.

Comment

Under Clause 2.18.3 when considering an offer to provide a material public benefit, the Consent Authority will take into account the following:

- *The extent to which the proposed land or material public benefit aligns with the objectives of this Plan, particularly the works schedule;*

Comment: The public benefit for the Town Green and schedule of works will provide a clear public connection and access between Yamba's main street and the Yamba Bay foreshore and public walkway. The cost of the works well outweighs the local infrastructure contribution that can be levied by Council.

- *The extent to which the proposed land or material public benefit duplicates or overlaps with existing Local Infrastructure;*

Comment: There is no duplication or overlapping of existing infrastructure or proposed future works.

- *The extent to which the proposed land or material public benefit will satisfy community demand;*

Comment: The value of works well outweighs that value of contribution payable. In its current layout the caravan park limits the community's ability to fully appreciate access to the Yamba Bay foreshore. The value and benefits to the community outweigh the community demand for local infrastructure.

- *The extent to which the proposed land or material public benefit is likely to require public funds for operations and maintenance;*

Comment: The value works well outweighs that value of contribution payable. The cost of the proposal has been contributed through a government grant, there is no requirement to call on public funds for the works and the ongoing operation and maintenance will be minor when compared to the material public benefit.

- In the case of land offered for open space, recreation or community purposes, whether the proposed land complies with any criteria, specifications or standards established by the Council and that are contained in a policy or strategy that it has adopted; the applicant's expressed intention as to ultimate ownership the proposed material public benefit;*

Comment: The land is a public reserve, managed by Council and owned by Crown Lands NSW. The Town Green will open the Yamba Bay foreshore to the general public and not just to the use of caravan park patrons. The land is already in public ownership and will now be available for public open space, recreation and community purposes consistent with the adopted Plan of Management for the reserve.

- The program for provision of the land or material public benefit;*

Comment: The land and material public benefit will be provided at no cost to the community. The Town Green will be delivered as a stage of the development proposal incorporated into the staging plan of the redevelopment of the caravan park.

The works in-kind and material public benefits to the community well outweigh the contribution requirements of the development and demand for infrastructure.

Council should accept the offer for works and material public benefits which is consistent with the Contribution Plan. If Council accepts the offer, the Consent Authority (being the JRPP for this application), may impose a condition under Section 80A of the EP&A Act requiring the works to be carried out and the material public benefit to be provided wholly in lieu of a requirement imposed by a condition of Development Consent authorised by the Plan that the applicant make a Local Infrastructure Contribution.

COUNCIL IMPLICATIONS

Budget/Financial

The cost of the proposal has been contributed through a government grant, there is no requirement to call on public funds for the works and the ongoing operation and maintenance will be minor when compared to the material public benefit.

Asset Management

The Town Green will be a valuable asset for the community and the ongoing operation and maintenance will be minor when compared to the material public benefit.

Policy or Regulation

Environmental Planning and Assessment Act 1979
Clarence Valley Contribution Plan 2011

Consultation

The application has been advertised and notified in accordance with Council's Community Participation Plan which closed on 28 May 2020. Four submissions have been made though none have raised issues with the offer for works and material public benefits offered under DA2020/0220. The issues raised in the submissions will be considered in the report to the Joint Planning Panel who is the consent authority for this development application.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Council's Open Spaces Section	The proposed works and use of the reserve are supported

Legal and Risk Management

There is no risk to Council in making a decision consistent the adopted Contribution Plan.

Climate Change

N/A

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	<ol style="list-style-type: none"> Extract of Statement of Environmental Effects Letter of offer to dedicate and develop portion of land for Town Green in lieu of capital contributions

2011) and the relevant chapters of *Clarence Valley Development Control Plan 2011* (DCP 2011). It assesses the potential environmental impacts of the proposed redevelopment and key issues to be encountered on the subject land.

A concept plan for the Calypso Holiday Park redevelopment was publicly exhibited in 2014, and the final master plan was revised in response to the submissions received. Implementation will be staged over a 2–3-year period commencing soon after development consent has been obtained.

The applicant notes that new demountable structures such as cabins can be installed in due course pursuant to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. These structures are not assessable under either Part 4 or Part 5 of the EP&A Act.

2 THE SITE AND SURROUNDS

Calypso Holiday Park is located in Harbour Street, Yamba on Lot 202 DP 727454; Lot 7306 DP 1140375; and Lot 266 DP 822794. It is entirely within Public Reserve 81523 (Figure 1). The park has an area of approximately 2.64 hectares with approximately 500 metres frontage to Harbour Street. It also has 400 metres frontage to a narrow strip of public land that separates the park from Yamba Bay. This strip is Lot 7320 DP 1162093 and Lot 7042 DP 1023322.

West of the subject land is Lot 203 DP 727454 (known as Ford Park). East of the subject land is Lot 7307 DP 1140375 being Woolli Park and the breakwater open space area. Across Yamba Bay, to the north, is Hickey Island and Whiting Beach. To the south is the urban area of Yamba, including the CBD focussed on Yamba Street.

The redeveloped Calypso Holiday Park will continue to occupy Lot 202 DP 727454; Lot 7306 DP 1140375; and Lot 266 DP 822794. The new entry to the park (and associated entry precinct infrastructure) will occupy the eastern edge of Lot 203 DP 727454 on what is now a car park for a public ferry wharf. The expansion into Ford Park is approximately 0.1 hectares (1,000 m²).

An area of 2,700 m² in the centre of the park will be developed for public use to provide a public connection from the town centre to the Yamba Bay foreshore along an extension of Yamba Street alignment. This area is referred to in the proposal as Yamba Town Green, and is a significant public benefit contribution resulting from the proposed development. It will more than offset the additional land required for the new park entry off River Street at Ford Park. The total area of the redeveloped Calypso Holiday Park will be approximately 2.47 hectares (additional area of Ford Park added and area of “town green” removed).

Access to the existing Pilot Wharf located on Yamba Bay will be maintained throughout the project.

Figure 1: Subject land and surrounding land use

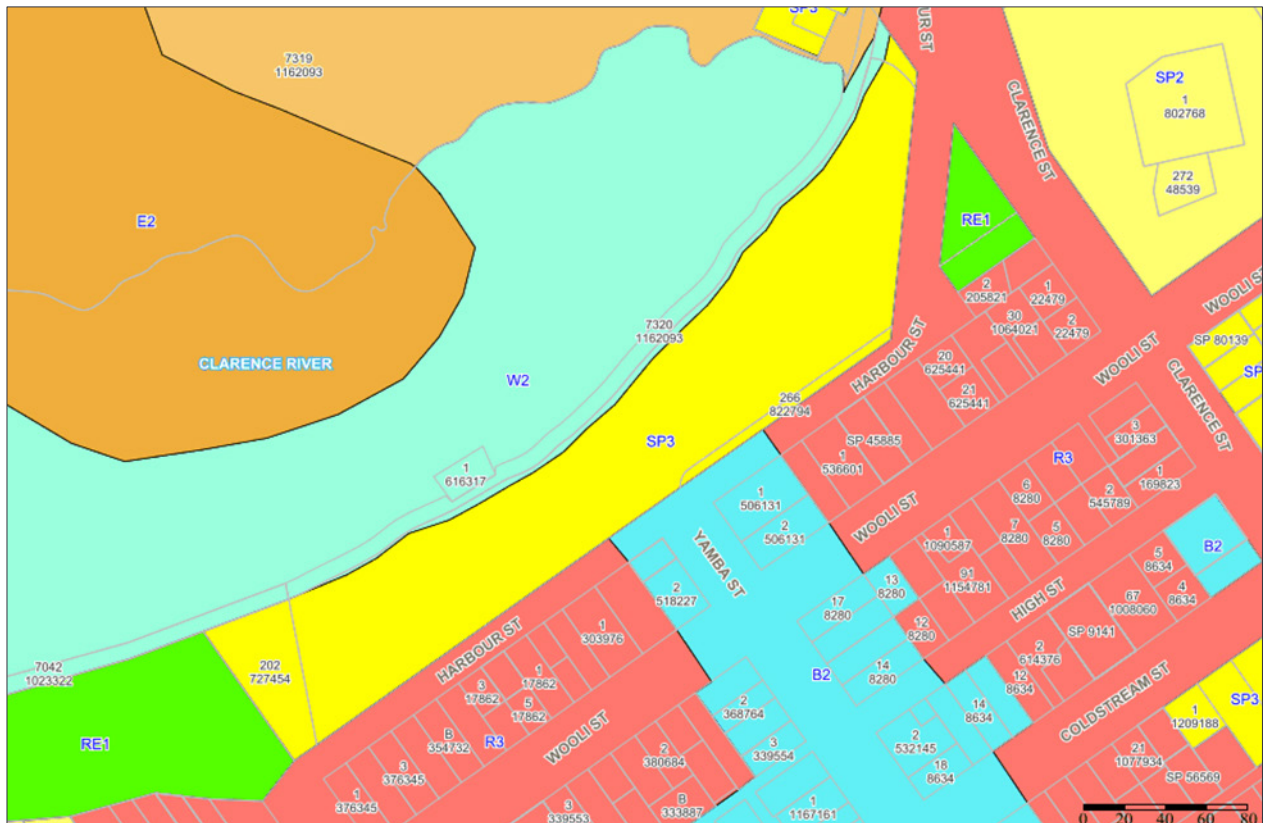


Source: SIX Maps

3 LAND USE ZONES AND LEP CONTROLS

Under the provisions of Clarence Valley LEP 2011, the Calypso Holiday Park (subject land) is zoned SP3 Tourist (Figure 2). The adjacent Ford Park land is zoned RE1 Public Recreation.

Figure 2: The proposed development is on land zoned SP3 Tourist and RE1 Public Recreation under Clarence Valley LEP 2011



Source: NSW Legislation website

Clarence Valley LEP 2011 permits caravan parks with consent in both the SP3 Tourist zone and the RE1 Public Recreation zone.

The redevelopment works proposed in this development application fall within the definition of caravan park.

4 BACKGROUND TO THE PROPOSAL

4.1 Past Approvals

Calypso Caravan Park was opened in 1961 and has been operating continuously since that time. The park currently operates under an Approval to Operate issued by Council in 2015, which authorises a total of 179 sites, comprising 131 short-term sites and 48 camp sites.

4.2 Need for the Proposal

Calypso Holiday Park is a popular and well used Crown land holiday park. It needs investment and renewal of infrastructure and facilities to maintain its appeal and provide a quality holiday experience for families. The park has occupation rates that can be improved with a better holiday experience. Clarence Valley Council is looking to improve the holiday offering by providing a range of experiences from cabins and caravan sites to camping on powered sites with water and sewerage.

Other specific matters driving the need for redevelopment include:

- The park entrance is poorly located causing traffic congestion in the town centre. The entrance also restricts public access to Yamba Bay foreshore. There is potential to relocate the park entry to River Street.
- There is no clear public connection between Yamba Street and Yamba Bay foreshore. Moving the entrance will reconnect the busy main street with the foreshore, increasing pedestrian access to a key feature of Yamba.
- The boundary between the foreshore walkway and the holiday park is not clearly defined. Security within the park is poor.
- The pool is at the end of its economic life and is poorly located.
- The manager's residence/reception building is nearing the end of its economic life. The reception area and workshop areas are too small.
- The eastern amenities building is a collection of ensuite buildings that do not meet the needs of the eastern precinct.
- The brick unit block is at the end of its economic life and has low occupancy.
- The current road layout is functional, but the condition of the road surface is poor. Stormwater disposal throughout the park is not managed effectively and can be improved.
- The eastern sites are small and uneven with limited grass cover. Many sites are not connected to services.
- The cabins near the park entry do not meet current market expectations.
- Existing sites in the western precinct are uneven and many are not connected to services.
- The riverfront cabins occupy a prime location and have reasonable occupancy. They are in need of renovation and extension where possible.
- The main amenities building, laundry and drying area occupy prime riverfront locations. The buildings are at the end of their economic life, and need to be replaced with a new building away from the foreshore.
- Communal barbecue facilities are limited and dated. There are no camp kitchen facilities in the park.
- The children's playground is in poor condition and requires replacement.
- The boundary fence along Harbour Street requires some landscaping to improve aesthetics.

- The redevelopment will eliminate asbestos and lead paint (located in older structures) from the site.
- The redevelopment will include the removal of disused underground fuel tanks and site remediation of adjacent soil areas.

5 STATUTORY FRAMEWORK

5.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the statutory basis for planning and environmental assessment in New South Wales. The Minister for Planning and Public Spaces, statutory authorities and local councils are responsible for implementing the EP&A Act. The EP&A Act provides the framework for environmental planning and development approvals, and includes provisions to ensure that the potential environmental impacts of a development are assessed and considered in the decision-making process.

Part 4 of the EP&A Act permits Council to consider development applications for planning approval, which it can refuse, approve or approve conditionally. In this case, the proposed redevelopment will allow the continued use of the site for a caravan park, which is a use permissible with development consent under Clarence Valley LEP 2011. The works are therefore subject to Part 4 of the EP&A Act.

Section 4.15 of the EP&A Act outlines the matters that must be taken into consideration by a consent authority when assessing a development application under Part 4 of the Act.

Matters for consideration listed under section 4.15 include the provisions of any environmental planning instrument (and draft instrument), any development control plan, any planning agreement, the Regulations, any coastal zone management plan, the likely impacts of the development, the suitability of the site, any submissions made in accordance with the EP&A Act, and the public interest in the proposal. These matters are addressed (as relevant) in the following sections.

5.2 State Environmental Planning Policies

5.2.1 State Environmental Planning Policy (Infrastructure) 2007

Clause 65(3) of SEPP Infrastructure 2007 states that:

Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

(a) *development for any of the following purposes:*

- (i) *roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
- (ii) *recreation areas and recreation facilities (outdoor), but not including grandstands,*
- (iii) *visitor information centres, information boards and other information facilities,*
- (iv) *lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
- (v) *landscaping, including landscape structures or features (such as art work) and irrigation systems,*
- (vi) *amenities for people using the reserve, including toilets and change rooms,*
- (vii) *food preparation and related facilities for people using the reserve,*
- (viii) *maintenance depots,*
- (ix) *portable lifeguard towers,*

(b) *environmental management works,*

- (c) *demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).*

Note. The term **building** is defined in the Environmental Planning and Assessment Act 1979 as including any structure.

In this case, all works are proposed to be carried out by or on behalf of the Council on a public reserve under the control of the Council. However, the site is listed as a local heritage item under Clarence Valley LEP 2011. Demolition of buildings is required as part of the site improvements and this aspect cannot be dealt with under Part 5 of the EP&A Act 1979. Council considered splitting the works into part 4 and Part 5, but in June 2019, Council planners advised that Council will now require a development application for the entire holiday park redevelopment.

This SEE has been prepared to address all of the proposed redevelopment works as requested by Council.

5.2.2 State Environmental Planning Policy (Coastal Management) 2018

This State Policy commenced on 3 April 2018 and applies to land in the coastal zone. It prescribes matters that must be taken into account by a consent authority when it determines a development application to carry out development on land in the coastal zone. It repealed State Environmental Planning Policy No 14—Coastal Wetlands, State Environmental Planning Policy No 26—Littoral Rainforests, and State Environmental Planning Policy No 71—Coastal Protection.

It aims to:

- (a) *manage development in the coastal zone and protect the environmental assets of the coast;*
- (b) *establish a framework for land use planning to guide decision-making in the coastal zone;*
- (c) *map the 4 coastal management areas that comprise the NSW coastal zone.*

No littoral rainforests are mapped in or close to the subject land. The subject land is not mapped as containing a coastal wetland, or a buffer identifying that it is in proximity to coastal wetlands. The nearest wetland is on Hickey Island, which is more than 100 metres from the subject land.

However, the subject land is identified as being entirely in the *Coastal Use Area* (Figure 3). It is also entirely within the *Coastal Environment Area* (Figure 4).

Figure 3: Coastal Use Area



Figure 4: Coastal Environment Area



Source: webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=SEPP_CoastalManagement

In relation to the coastal use area, the SEPP provides the following:

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

Increasing public access to Yamba Bay and its foreshore is a key outcome of this redevelopment. The redevelopment will create a 30-metre-wide “town green” providing direct pedestrian linkage to Yamba Bay and its foreshore walking track. This access will be disability compliant.

No overshadowing or wind funnelling of public land will result due to the low-rise nature of all new buildings. The view from public land such as Yamba Street will be increased by establishing the “town green”. No existing views from public places to foreshores will be lost.

The visual impact of the holiday park will be improved. Demolition of the existing two-storey brick apartment block will reduce the visual impact on public land. Fresh landscaping will ameliorate infrastructure impacts.

Aboriginal cultural heritage investigation and consultation is being addressed in accordance with OEH guidelines and it is not anticipated that any sites will be located in proposed redevelopment areas. According to the AHIMS register, no sites are currently located on any of the subject land or within 200 metres of it. The subject land and Ford Park were reclaimed from the river in the late 1950s, to be used as parkland and a caravan park. There are registered Aboriginal sites on Hickey Island and there is no doubt that Yamba, generally, is a location that is rich in Aboriginal history due to its proximity to a wide variety of food sources and the presence of fresh water and shelter-making materials. If sites or relics are found during infrastructure related earthworks (highly unlikely due to past filling) then layout changes will be considered in terms of where the sites are located and their significance.

The subject land is listed in Clarence Valley LEP 2011 (item I412). A statement of heritage impact has been prepared to address the potential heritage impacts (Annexure I). It concludes that the proposed redevelopment will have minimal heritage impact as long as sensitive fencing is used. The new fencing proposed along Yamba Bay will be 1-metre-high black chain wire. It will restore an important historical link between the main street and Yamba Bay. All development will be low-rise and low-density, which is consistent with the landscape and amenity of the locality. The redevelopment will retain the significant Norfolk Island Pine trees that are scattered throughout the site.

In relation to the coastal environment area, the SEPP provides the following:

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

These provisions overlap substantially with the coastal use area provisions. The matters addressed previously are not repeated.

The subject land is fully modified and landscaped with planted trees and shrubs. It has no remnant native vegetation as it was completely filled in the late 1950s. There is no vegetation of high ecological value. There are 18 trees to be removed of which 15 are native species. All landscaping to be used on the site will include native species and this will offset any habitat loss for native animals such as nectar eating birds.

The subject land is not affected by coastal processes and is not in a coastal erosion zone. It is partly flood affected in a one-in-5-year ARI event or greater. Almost all of the site is flood affected in a one-in-100-year ARI event. This is not a major restriction on the continued use of the site for a caravan park. It will influence floor levels in certain structures, eg manager's residence and cabins.

The subject land will be subject to water sensitive design principles and will not damage the water quality of either the Clarence River or the Pacific Ocean. All stormwater will be channelled to the existing stormwater system on the site. All wastewater will be disposed of to Council's reticulated system via existing connections to the site.

No marine vegetation (eg mangroves or sea grass) will be damaged by this development either directly or indirectly. No headlands or rock platforms are located on or near the site.

Existing public open space in proximity to the subject land will be impacted by the loss of approximately 0.1 hectares of Ford Park that is required to redesign the Calypso Holiday Park

entrance from River Street. Ford Park is approximately 5 hectares in area (in conjunction with Fred Phillips Park), therefore the impact is a loss of 1.5% of the park. However, the proposed “town green” to be created by this redevelopment will add approximately 0.27 hectares of open space, which is more than double the area lost. Ford Park facilities such as access to the ferry wharf, parking and a public barbecue area will all be redeveloped or retained, which will enhance this end of Ford Park.

The surf zone is located approximately 300 metres east of the subject land and will not be affected by the redevelopment.

The redevelopment is consistent with the principles of avoiding adverse impacts, minimising adverse impacts and then mitigating any impacts that cannot be avoided.

5.2.3 State Environmental Planning Policy No 21—Caravan Parks

This development application will encourage “the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both”. The proposed alterations will allow for the “proper management and development of land so used”, will provide “appropriate community facilities” and “protect the environment” of the locality. The subject land has no long-term sites and this will remain unchanged. Short-term sites will be reduced from 168 to 136 to reduce overcrowding and provide more generous sites that will be compliant with current standards and regulations. The application is compliant with SEPP 21.

5.2.4 State Environmental Planning Policy (Koala Habitat Protection) 2019

This State Policy has been transitioning from SEPP 44 to the new version. The new version commenced on 1 March 2020 and applies to the subject land as it is in the Clarence Valley Council LGA. However, there is no approved koala plan of management for this location and it is not mapped on the koala development application map. It is defined in the SEPP as “other land”. For this land, Council needs to be satisfied that the land is not “core koala habitat”. Core koala habitat means—

- (a) *an area of land where koalas are present, or*
- (b) *an area of land—*
 - (i) *which has been assessed by a suitably qualified and experienced person in accordance with the Guideline as being highly suitable koala habitat, and*
 - (ii) *where koalas have been recorded as being present in the previous 18 years.*

The Calypso Holiday Park site does not meet any of these criteria and is not core koala habitat.

5.2.5 State Environmental Planning Policy No 55—Remediation of Land

This State Policy applies in particular where there is an application for consent to carry out development that would involve a change of use on land that has been used in the past for a purpose that could have resulted in it being contaminated.

The subject land used to be known as Blacks Bay. It was filled in the late 1950s and there is no record of what material was used or where it came from. The Port of Yamba Historical Society states that it was filled by NSW Public Works with dredge sand from Yamba Bay and the river. Since that time, the site has been used continuously for a caravan park and no change of use is proposed. No long-term sites are proposed and only the holiday park manager will live on the site. A manager’s residence is already present on the site. The minor expansion of the holiday park onto Lot 203 DP 727454 affects land that is currently used as a car park and was filled at the same time as the caravan park.

The subject land includes buildings and structures that are known to contain asbestos and lead paint. The demolition of these structures will be undertaken by qualified professionals, and the asbestos and lead material will be disposed of to a licensed facility. A detailed report on the asbestos and lead paint is at Annexure J. It includes a register of the distribution of these materials across the site and a management plan.

Calypso Holiday Park has a history of selling fuel, which started in the mid-1960s and was abandoned in 2004. The pumps have been removed but pipes, concrete and underground storage tanks (UST) remain on site in two locations (Figure 5).

Figure 5: Two area on the subject land require UST removal and remediation

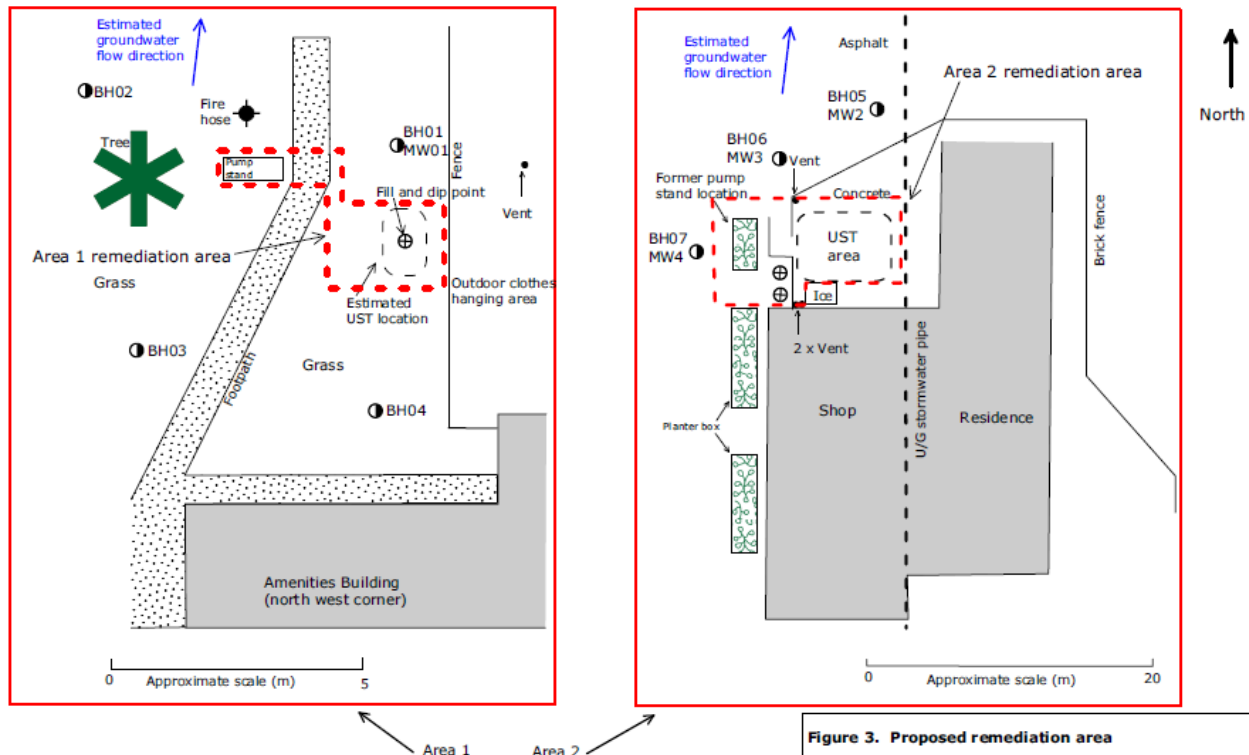
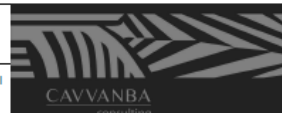


Figure 3. Proposed remediation area

Ref. 13016
CVC Yamba
Calypso Holiday Park
Client: Clarence Valley Council
Drawn: CC 09/07/2013
Source: CVC and field notes



A site assessment and remediation action plan (RAP) was prepared in 2013 (Annexure K), which included soil and groundwater testing. It confirmed that there are most likely three USTs still on the site plus pipes, dipping points and concrete. One UST site is close to the central amenities block and drying area. The other UST site is next to the reception area and manager's residence. Soil and water tests revealed no evidence of hydrocarbon contamination in either the soil around the USTs or the groundwater. The recommended action is to pump out the water that is in the tanks (to a mobile storage tank for disposal at a licensed facility); remove the concrete and pipes; remove the tanks; remove any contaminated soil; and backfill (and compact) the site with clean fill.

The careful demolition of buildings and structures that contain asbestos and lead paint will ensure that these two potential contaminants are removed from the site. By following the remediation action plan for the USTs, the potential for soil and water contamination will be removed and the site will be made suitable for long-term use as a caravan park.

Pursuant to SEPP 55, Council can be satisfied that the land is contaminated from past land use but with proper remediation, can be made suitable for continued use as a redeveloped caravan park.

5.3 Clarence Valley Local Environmental Plan 2011

Under the provisions of Clarence Valley LEP 2011, the Calypso Holiday Park is zoned SP3 Tourist (Figure 2). The adjacent Ford Park land is zoned RE1 Public Recreation. Caravan parks are permitted with consent in both these zones.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

The proposed alterations and works are part of the ongoing use of the site as a caravan park and a minor expansion onto part of Lot 203 DP 727454, which is currently used as a car park. The proposed demolition and site remediation works are ancillary to the redevelopment but are uses permitted with consent in any case.

The **Objectives** of the **SP3 Tourist zone** are as follows:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To enable a range of residential accommodation that is compatible with the provision of tourism uses to assist with the off season viability of tourist-based development.*
- *To provide for tourist accommodation that does not compromise the environmental, scenic or landscape qualities of the land.*
- *To enable retail and business premises that complement tourism-based development without eroding the retail hierarchy of the area.*

Comment:

The alterations and additions proposed in the redevelopment of the holiday park are focussed on improving the visitor experience as well as providing quality tourist accommodation while still protecting the environmental, heritage and landscape qualities of the coastal site. Retaining and improving public access to the foreshore is a major outcome of the development.

No permanent sites or residential development are proposed and only the park manager will reside on the subject land.

No retail or business premises are proposed beyond items typically sold in a caravan park office.

The **Objectives** of the **RE1 Public Recreation zone** are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Comment:

The minor expansion of the holiday park and associated entry infrastructure onto land zoned RE1 will have a neutral impact on the recreational use of Ford Park. This part of Ford Park provides access to a public ferry wharf and a car park and barbecue area near the foreshore. After redevelopment, there will still be a public road and car park and access to the barbecue area near the foreshore. No public access will be removed.

The establishment of the main park entry off River Street through the eastern end of Ford Park will greatly improve traffic movement around Yamba Street and allow a "town green" to be established off Yamba Street. This is a major improvement to the ability of the public to access the recreational open space of Yamba Bay foreshore and Ford Park.

None of the proposed works will require trees to be removed from Ford Park. Some small shrubs and landscaping will be removed to rearrange the parking spaces, but this will be offset with landscaping using native vegetation.

The proposed redevelopment that affects Ford Park is compatible with the recreational use of the locality.

Clause 4.3 Height of Buildings

This clause prescribes maximum building height on a map. The subject land has no prescribed building height.

Comment:

All buildings will be single storey. The manager's residence at its tallest point will be 5.3 metres above ground level.

Clause 5.10 Heritage Conservation

The relevant objectives of this clause are:

- (a) *to conserve the environmental heritage of Clarence Valley,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

This clause specifically requires that any development application affecting a heritage item requires a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

"Calypso Van Park" is listed in Clarence Valley LEP 2011 as a heritage item (item I412). Ford Park is not specifically listed.

Comment:

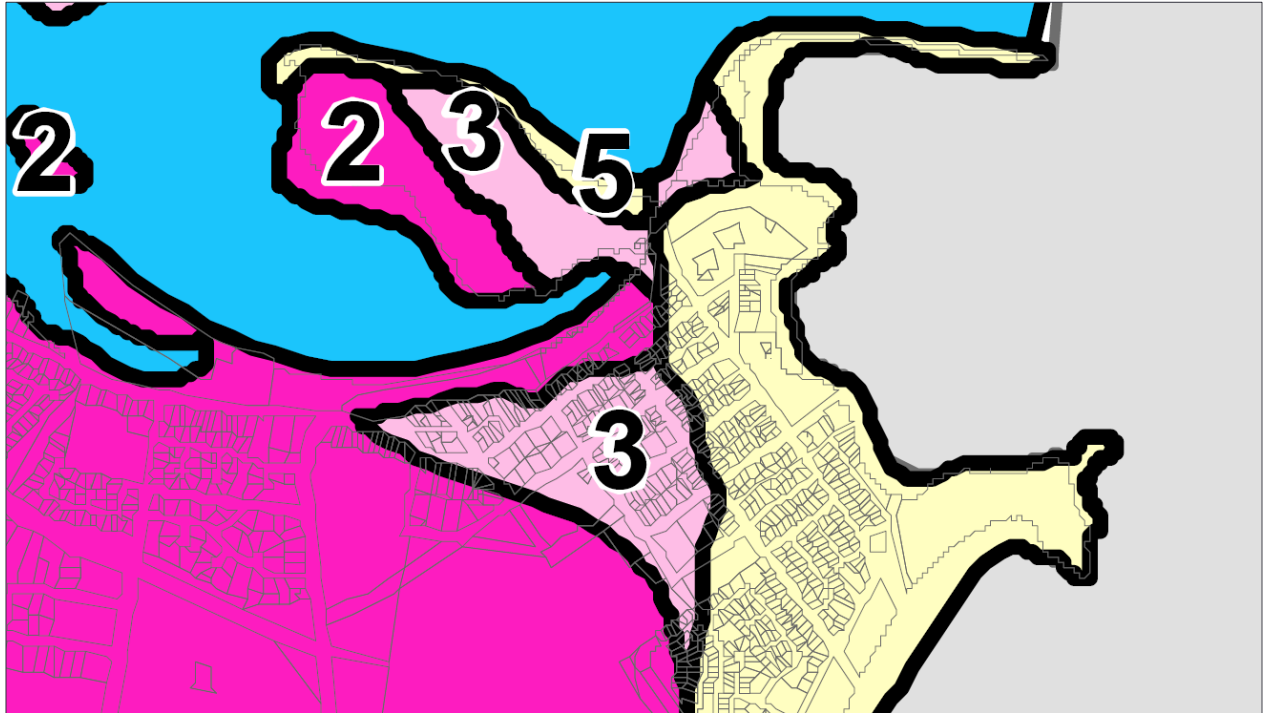
A statement of heritage impact has been prepared to address the potential heritage impacts of the proposed redevelopment (Annexure I). It considers the various aspects of the redevelopment in light of the heritage values of the item and its context. It concludes that the proposed redevelopment will have minimal heritage impact as long as sensitive fencing is used. It will restore an important historical link between the main street and Yamba Bay. It will remove those parts of the existing development that detract from its heritage value such as the red brick two-storey apartments. All new structures will be low-rise and low-density, which is consistent with the landscape and amenity of the locality. No permanent occupation sites will be introduced, consistent with its heritage value as a family holiday place. The redevelopment will retain the significant Norfolk Island Pine trees that are scattered throughout the site.

Clause 7.1 Acid Sulfate Soils

This clause prescribes that "Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works".

The subject land is classified as Class 2 ASS (Figure 6). Class 2 indicates that ASS could be encountered at or below the surface of the land.

Figure 6: Acid Sulfate Soils Map for the subject land



Source: Clarence Valley LEP 2011

Comment:

An ASS management plan has been prepared and is provided at Annexure L. Although the site is mapped as Class 2 ASS, it was completely filled in the late 1950s. The sandy fill, which was most likely provided by dredging Yamba Bay, has been in place for many years with no obvious signs of acidity.

Liming of trenches for infrastructure and footings for buildings will be required (at rates to be determined) to neutralise any acid produced when the site is disturbed during redevelopment. Liming of the location where the underground fuel storage tanks are to be removed will also be required.

Clause 7.2 Earthworks

This clause prescribes that “Earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land”.

Comment:

In this case, the earthworks are ancillary to the redevelopment and include road regrading, trenching for services and footings. No filling is anticipated and no excavation is anticipated other than for an in-ground swimming pool and the removal of disused underground fuel tanks. The key issue is possible acid sulfate soils, and liming of all disturbed soils is anticipated. Any excess soil from the pool construction will be tested and if clean, it will be used to fill in the void left by removing the old fuel tanks that are located in the vicinity of the existing drying area. If soil is required to be brought into fill the fuel tank void then only Virgin Excavated Natural Material (VENM) or certified clean fill will be used.

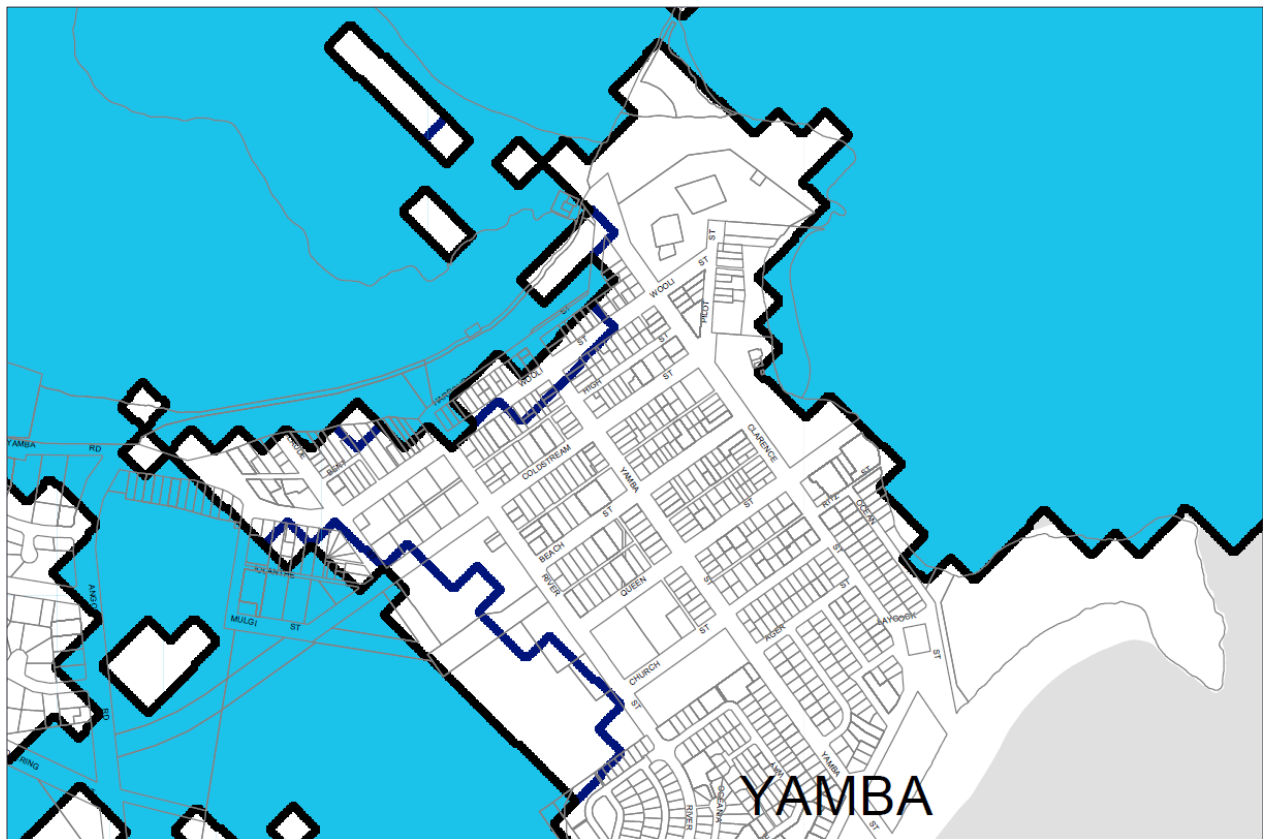
Clause 7.3 Flood Planning

This clause applies to land that is shown as “flood planning area” on Council’s LEP maps. The subject land is almost entirely within a flood planning area (Figure 7). In this area:

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Figure 7: Flood Planning Area (one-in-100-year event)



Source: Clarence Valley LEP 2011

Comment:

The south-western corner of the subject land, including Ford Park, is flood affected in relatively small events as it is lower than the balance of the land. Levels in this location can be as low as 1.4 metres AHD. The highest point is in the north-eastern corner where levels are more like 2.5 metres AHD. Events as small as a one-in-5-year flood affect the south-eastern corner with water levels of 8 cm to 40 cm predicted in a small area. A one-in-50-year flood is predicted to put

water of 40 cm to 60 cm deep across the southern one-third of the site. A one-in-100-year flood can put as much as 100 cm of water across the lower sections and affects most of the site in some way. The design flood for this location is the one-in-100-year event, which has a level of 2.51 metres AHD. Inclusive of a 0.5-metre freeboard, the floor levels for cabins and the manager's residence will be set at 3.01 metres AHD. Non-habitable structures can be lower subject to being constructed of flood-resistant materials. The site is a low velocity flood fringe, therefore structures do not have to withstand fast-flowing water.

The redevelopment will not impact on the foreshore, which has been rock-walled since the 1940s. No riparian vegetation will be affected.

The site receives a lot of warning during major flood events because it is so close to the ocean. This will enable the park to be evacuated of tourists well before sites are inundated by flood water. Redevelopment will reduce the number of tourists that can be located on the site and there will be minimal impact in terms of socio-economic costs from flooding.

Clause 7.8 Essential Services

This clause states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available—

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

Comment:

An engineering report addressing water, sewerage and drainage is at Annexure M. The number of sites/cabins is being reduced by 34. The existing supply of reticulated water and sewerage will be adequate to cater for the proposed redevelopment. Additional ETs will not be generated.

In pre-lodgement discussion, Council has accepted using existing stormwater infrastructure subject to the installation of an increased capacity outlet in the south-western corner of the subject land. Additional inlets will also be installed. Other inlets will be rearranged to follow realigned roads (Annexure M).

Overall, traffic generated by the redeveloped holiday park is predicted to decline as a result of a 20% reduction in the number of cabins/sites. The main impact on roads will be moving the primary entrance from Yamba Street to River Street through what is currently Ford Park. A smaller, split secondary entrance and exit for the eastern park precinct will be established off Harbour Street. These changes are anticipated to improve traffic flow through the Yamba business centre (Yamba and Woolli Streets) and increase traffic in River and Harbour Streets. Impacts overall are likely to be acceptable. A detailed traffic impact assessment is included at Annexure N.

With a 20% reduction in the number of cabins/sites, it is anticipated that existing reticulated electricity will be sufficient to cater for the redeveloped holiday park.

5.4 Clarence Valley Development Control Plan 2011 – Development in Environmental Protection, Recreation and Special Use Zones

Part C – General Development Controls

This chapter identifies a range of issues that will need to be addressed in the Statement of Environmental Effects to support a development application for the subject land.

Council expects the development to be designed consistent with the following objectives:

- (a) *Development which is responsive to site constraints and the surrounding environment.*
- (b) *Development which is of a high quality and is sensitive to the rural character of the locality in which it is being developed.*
- (c) *Development that is functional and appropriate for the type of use/activity being provided.*
- (d) *Development/uses that provide adequate buffers to residential and other development to reduce conflicts between rural/agricultural uses and residential amenity.*

Comment:

Redevelopment of the holiday park is responsive to the key site constraint of flooding through compliant floor levels of 3.01 metres AHD to habitable buildings. It is in an urban setting and the proposed relocation of the main entry will improve the Yamba Street amenity by removing cars and caravans from the CBD. It will increase pedestrian access to Yamba Bay from the main street, providing a “town green” of public land for community enjoyment. It is responsive to the heritage values of the park by retaining a dominance of short-term sites that can be used for a mix of camping or caravans.

It is a high-quality redevelopment of a park that is run down and in need of renovation.

A caravan park for tourist accommodation purposes is an appropriate continued use of this site that is waterfront, close to shops and restaurants, and an easy walk to the beach.

The dwellings across Harbour Street are typically 15 to 20 metres away from the edge of the holiday park and this buffer has been adequate in the past. Harbour Street is dominated by mature Norfolk Island Pine trees, none of which are proposed to be removed. Cabins will only be located closer to Harbour Street, near the Yamba street shops, and this will not affect any dwellings. The privacy and outlook of residential neighbours is unlikely to be impacted by the low-rise buildings and structures planned for the park.

Fencing and landscaping will soften the edge impacts of the redeveloped park, while providing security and controlling access.

The redeveloped park will not impact negatively on important coastal views and will otherwise comply with the NSW Coastal Policy guidelines.

C14 Landscaped Area Requirements – SP3 zone

C14.1 *All development on land in the SP3 zone must have a minimum of 35% of the site area as landscaped area, unless a landscaped area requirement is identified in another clause of this DCP.*

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

Comment:

Including the small expansion into Ford Park, the total site area affected by the redevelopment is 2.74 hectares. Thirty-five percent (35%) of this area is 9,590 m².

The landscaped area in the park will be approximately 37% of the total site area (10,100 m²). This includes landscaped areas around the entrance, pool area, amenity buildings, camp kitchen, cabins, grassed areas on sites and park boundaries. It also includes the proposed "town green", which comprises 2,700 m² of that total. Landscaping throughout the development will be to a high standard, and a Landscape Master Plan has been prepared for the proposed development.

C15 Private Open Space Requirements – SP3 zone

C15.2 *For ... dwelling houses, ..., private open space must meet the following requirements:*

1. *An area of 50m² in one parcel, with a regular shape and a minimum dimension of 4.5 metres.*

Comment:

The private open space for the manager's residence is 80 m². It is a regular shape. This exceeds the DCP requirement.

C17 Setbacks – SP3 Tourist zone

C17.1 *Development in the SP3 zone must comply with the setbacks as follows:*

Front – 6 metres

Side and rear – 0.9 metres.

Comment:

The front boundary for this site is Harbour Street. The minimum setback requirement for a relocatable home (which is not a building) to a park boundary in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is 2 metres. All cabin installations will be 2 metres or more from the Harbour Street boundary. They will not meet the 6-metre standard and it is unnecessary in this situation. The communal and amenity buildings are located centrally and are considerably more than 6 metres from Harbour Street. The camp kitchen for the eastern precinct is on a 2-metre setback from the nearest boundary. The manager's residence will be setback approximately 10 metres from the revised western boundary of the site.

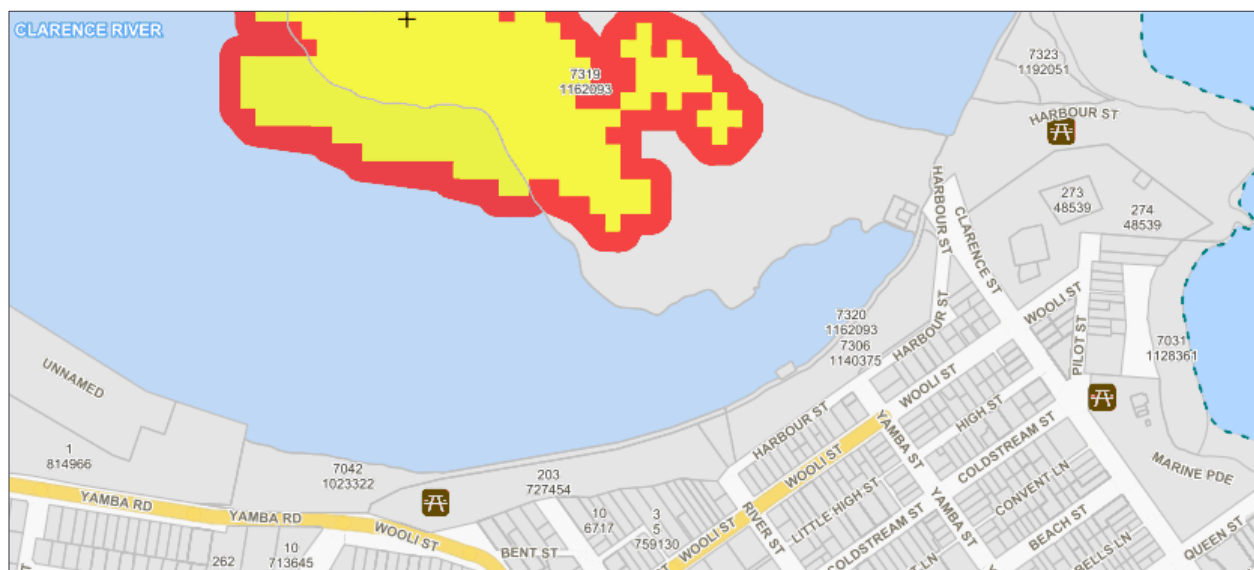
C23 Controls for Bush Fire Prone Land

A Development Application for bush fire prone land must include information to show compliance with the NSW Rural Fire Service Planning for Bushfire Protection 2019.

Comment:

The subject land is not bushfire prone and is not located in a bushfire buffer (Figure 8). It does not require referral to NSW RFS.

Figure 8: Bushfire mapping for the Yamba Bay locality



C25 Waste Management

C25.1 Any waste that is generated must be disposed of in accordance with the Protection of the Environment & Operations Act 1997 and Regulations and the Local Government Act 1993.

Details of the waste management strategy for a development (including demolition, construction and operational phases) must be submitted to Council.

Comment:

A waste management plan for demolition, construction and operation is included at Annexure O. Demolition will be undertaken by licensed contractors in full knowledge of asbestos and lead paint in existing buildings and structures.

C28 Fences and Walls – SP3 zone

C28.1 On land in the SP3 zone front fences and side fences forward of the building line should have a maximum height of 1.2 metres except on corner allotments.

On corner allotments fences are not to exceed 900mm in height within 6 metres of the corner of the boundary of the allotment that marks the junction of the two streets.

Comment:

The Harbour Street frontage is already fenced, mostly with 2.1-metre-high dark-coloured metal open “pool fencing”. This is not being changed. The eastern precinct is currently fenced with 1.8-metre-high black PVC coated chain wire and this is not being changed. Fencing along Yamba Bay frontage will be 1-metre-high black PVC coated chain wire, with low-level landscaping and feature trees along the frontage. This fencing will also be used to define the proposed “town green” through the holiday park.

Part D – Floodplain Management Controls

The subject land is in a *general floodplain* and not a *floodway*.

Caravan park falls into the DCP category of *Special Uses, Open Space and Environmental Protection*.

For the purposes of *prescriptive controls* in DCP Schedule D4, the relevant category is *Urban Residential and Associated Uses*.

D7 What information is required with an Application for Development on Flood Liable Land?

D7.3 *Development applications affected by this plan shall be accompanied by a survey plan showing:*

- (a) *The position of the existing building/s and all proposed building/s;*
- (b) *The existing ground levels to Australian Height Datum around the perimeter of the building and contours of the site; and*
- (c) *The existing or proposed floor levels to Australian Height Datum.*

Prescriptive Controls (Schedule D4)

- *Unless otherwise specified all floor levels to be no lower than the 5 year flood level plus freeboard unless justified by site specific assessment. Freeboard equals an additional height of 500 mm.*
- *Primary habitable floor levels to be no lower than the 100 year flood level plus freeboard.*
- *All structures to have flood compatible building components below the design level of the primary habitable floor level.*
- *Applicant to demonstrate that the structure can withstand with forces of floodwater, debris and buoyancy up to and including a 100 year flood plus freeboard, or a PMF if required to satisfy evacuation criteria (see below). An engineer's report may be required.*
- *The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood conveyancing; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.*
- *Reliable access for pedestrians or vehicles required during a 100 year flood to a publicly accessible location above the PMF.*
- *The development is to be consistent with any relevant flood evacuation strategy, Flood Plan adopted by Council or similar plan.*
- *Site Emergency Response Flood Plan required where floor levels are below the design floor level.*

Comment:

No filling is proposed on the subject land; the minor earthworks required for infrastructure will be balanced on site. All development plans meet the DCP requirements in relation to annotations regarding AHD.

All habitable buildings will have a floor level of 3.01 metres AHD (500 mm above the one-in-100-year flood level of 2.51 metres AHD). This includes the manager's residence and all cabins.

The floor level for the new park reception building will be 2.4 metres AHD – well above the 5-year flood level plus 500 mm freeboard (1.96 metres AHD).

All construction materials for permanent structures (requiring Construction Certificates) below 3.01 metres AHD will be of flood compatible materials. The buildings' design will be certified by a practising structural engineer to the effect they will be capable of withstanding all forces imposed

upon them during a one-in-100-year flood event. It is noted that the site is not subject to high velocity flood flows.

Reliable access for pedestrians and vehicles will be available during a 100-year flood to a publicly accessible location above the PMF. Large parts of Yamba near the site are well above the PMF.

The redevelopment is consistent with the Floodplain Management Controls and there are no anticipated flood impacts as a result of the development.

Part E – Heritage Conservation

“Calypso Van Park” is listed in Clarence Valley LEP 2011 as a heritage item (item I412). The listing applies to Lot 202 DP 727454, Lot 7032 DP 751395 and Lot 266 DP 822794, being Reserve 81523. The site is not within a heritage conservation area. Ford Park is not part of the listing. The statement of significance to the listing relates to its historical use as a public camping area in the village of Yamba. With a mix of tents, caravans and cabins, it is representative of early tourism development in Yamba.

Comment:

A statement of heritage impact has been prepared to address the potential heritage impacts of the proposed redevelopment (Annexure I). It concludes that the proposed redevelopment will have minimal heritage impact as long as sensitive fencing is used. Most of the site is currently fenced and this will not be changed. Fencing along the Yamba Bay foreshore boundary is to be 1-metre-high black PVC coated chain wire with low-level landscaping to both sides to minimise visual impact.

The proposed “town green” will restore an important historical link between the main street and Yamba Bay. It will remove those parts of the existing development that detract from its heritage value, such as the red brick two-storey apartments. All new structures will be low-rise and low-density, which is consistent with the landscape and amenity of the locality. No permanent occupation sites will be introduced, consistent with its heritage value as a family holiday place. The redevelopment will retain the significant Norfolk Island Pine trees that are scattered throughout the site.

The park is in a dilapidated state and needs renewal if it is to remain viable and a pleasant place for families and tourists to stay when they visit Yamba. Seventy-nine percent (79%) of sites will be open and suitable for either camping or caravans. The number of sites overall has been reduced to meet current standards on site size and improve the experience of campers. Better amenities and infrastructure will also benefit site users. All sites and cabins will remain as short term, which reflects the historic use of this location.

Removal of asbestos, lead paint and disused underground fuel storage tanks is also a significant outcome that can be achieved through the proposed redevelopment without heritage impact.

Part F – Parking and Vehicular Access Controls

The car parking and vehicular access objectives for SP3 and RE1 zones are:

- (a) *To ensure that the car parking demands generated by development are met on site.*
- (b) *To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.*

Caravan park is not a land use identified in the land use table in the DCP. RTA and other guidelines will be used to determine car parking requirements.

All car parking spaces must be provided on site.

Comment:

Based on cabin and site numbers and staff and visitor requirements, the site requires 147 on-site car parking spaces. These can all be located on the site. Each cabin or short-term site will incorporate a single car space (134 spaces). Another two spaces will be provided for the manager, two spaces for staff and seven visitor spaces. Disability cabins and the manager's residence will have disabled car spaces. Two of the visitor spaces will be disability compliant. Two additional spaces will be provided for the Pilot Wharf.

Harbour Street has 86 spaces and 80 of these will be retained. Six spaces will be lost due to the new park entrances. The opportunity to replace them is limited by establishing the new "town green" and pedestrian area that is a key feature of this redevelopment. There are no viable locations to provide the six additional on-street car spaces.

The redeveloped Ford Park access and car park will retain the existing 23 car spaces in a different format. It will also provide an opportunity to locate six additional spaces to offset the six lost to this development.

Redevelopment of the Ford Park car park can be undertaken by Council at any time pursuant to SEPP (Infrastructure) 2007.

Part G – Sustainable Water Controls

The sustainable water objectives for SP3 and RE1 zones are:

- (a) *To maintain water quality and hydrology to as near as possible to predevelopment flows.*
- (b) *Prevent or minimise pollutants entering stormwater and treating stormwater as near as possible to the source.*
- (c) *To enable a more efficient use of potable water.*
- (d) *To reduce stormwater runoff volumes and peaks and to mimic natural tail water flows.*
- (e) *To incorporate 'sustainable water' management options into industrial development to decrease demands on infrastructure and on the environment.*
- (f) *Facilities must be designed to minimise maintenance.*

Comment:

Hard stand areas will be minimised to allow maximum stormwater infiltration on site. Existing stormwater infrastructure will be used with a key addition being an expanded outlet facility in the south-western part of the site where ponding problems have occurred in the past.

A reduced number of sites is expected to decrease overall water consumption. Water tanks will be included for all communal buildings and the manager's residence (not cabins), with connections to toilets in those buildings. All buildings will be fitted with water efficient taps, showers and toilets (minimum 3-stars).

An engineering report addressing water, sewerage and drainage is at Annexure M.

Part H – Erosion and Sediment Control

The erosion and sediment control objectives of this plan are to:

- (a) *Prevent land from being degraded by soil erosion or unsatisfactory land and water management practices.*

- (b) *Protect the Clarence River and other streams and waterways from being degraded by erosion and sedimentation caused by unsatisfactory land and stormwater management practices.*
- (c) *Promote and protect biodiversity by minimising cumulative impacts of sedimentation in the environment.*
- (d) *To ensure that sediment resulting from construction and land development activities is contained on site.*
- (e) *To prevent sediment entering the urban drainage system thereby reducing its capacity.*

Comment:

Site redevelopment will involve soil disturbance through infrastructure changes, digging a new pool and the removal of underground fuel storage tanks. An Erosion and Sediment Control Plan (ESCP) will be prepared for this project at the Construction Certificate stage when the final works program is clear.

Part J – Advertisements and Advertising Structures

The objectives for advertisements and advertising structures in SP3 and RE1 zones are to:

- (a) *ensure that advertising complements the development on which it is displayed and the character of the surrounding locality.*
- (b) *ensure that the number of advertisements and advertising structures does not lead to 'visual clutter'.*
- (c) *ensure that advertising does not have an adverse effect on an area, due to size, appearance and illumination.*

Comment:

It is anticipated there will be some signage at the new park entry, but no details are available at this stage. Signage will be subject to a separate development application at some time in the future.

Part S – Controls for Biodiversity and Habitat Protection

The objectives of biodiversity and habitat protection are:

- (a) To protect, maintain and improve native biodiversity in the Clarence Valley LGA.
- (b) To provide a framework for assessing development that is likely to impact on native vegetation and biodiversity in conjunction with aims (2) (d) and (g) in clauses 1.2(2) (d) and (g) of CVLEP 2011 where there is potential to degrade biodiversity and ecological values.
- (c) To retain native vegetation and habitats of significant species in parcels of a size and configuration that will enable existing plant and animal communities to survive in the long term.
- (d) To offset unavoidable habitat losses in accordance with contemporary best practice.
- (e) To ensure retained vegetation and offset areas are securely protected and managed in perpetuity.
- (f) To ensure that construction and indirect impacts of development are mitigated using current best practice standards.

Comment:

This site has no old growth native vegetation as it is located on land that was filled with dredge sand in the 1950s and 1960s. A range of trees and shrubs have been planted over time, including a stand of poplar trees (not native) in the north-eastern corner and many Norfolk Island Pine trees (not native) throughout the park and along Harbour Street.

The land is not mapped as high biodiversity by the state government (Figure 9). It has limited habitat value, but flowering trees and shrubs would be used by nectar-eating birds and micro bats would feed on insects around the park lighting at night.

Figure 9: NSW biodiversity mapping for Yamba



The redevelopment will remove 18 trees (native and exotic) as shown on the tree plan at Annexure E. This includes:

Native species	Exotic species
9 <i>Callitris columellaris</i> (coastal cypress)	1 rubber tree
1 <i>Grevillea robusta</i> (silky oak)	2 slash pine
3 <i>Melaleuca quinquenervia</i> (paperbark)	1 cotton wood
1 <i>Eucalyptus tereticornis</i> (forest red gum)	

Proposed landscaping will be based on native endemic trees and shrubs, and is shown in the landscape plan at Annexure H. The species chosen include flowering and fruiting trees that will attract native birds and insects. It is expected that bats will continue to use the site at night.

Species that will be used to plant 38 new canopy trees include:

- *Backhousia citriodora* (lemon scented myrtle)
- *Cupaniopsis anacardioides* (tuckeroo)
- *Harpullia pendula* (tulipwood)
- *Syzygium luehmannii* (riberry)

Screen planting along the Harbour Street frontage, Ford Park and in selected locations include the following species:

- *Callitris columellaris* (coastal cypress)

- *Cryptocaryi triplinervis* (three-veined laurel)
- *Syzygium australe* (brush cherry)

General landscaping around buildings and structures, and along the Yamba Bay frontage include the following species:

- *Pandanus tectorius* (screw pine)
- *Westringia fruticosa* (coastal rosemary)
- *Austromyrtus dulcis* (midyim)
- *Crinum pedunculatum* (river lily)
- *Dianella caerulea* (blue flax lily)
- *Lomandra 'tanika'* (mat rush)

The biodiversity of the existing site is low but it will increase as a result of the redevelopment. There are no “red flag” issues raised by the redevelopment of this site.

5.5 Other Relevant Legislation

5.5.1 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

In 1986, Ordinance 71 was introduced under the then Local Government Act. Under the Ordinance, each caravan park required an annual licence, which was issued subject to the park's compliance with essential requirements. The Ordinance also provided the framework and parameters within which park managers and operators could develop more innovative approaches to the provision of tourist and residential accommodation in caravan parks.

On 1 July 1993, the new Local Government Act was introduced, which in turn saw the subsequent introduction of the *Local Government (Caravan Parks and Camping Grounds) Regulation 1993*, which essentially embodied the provisions of Ordinance 71.

The Regulation was substantially overhauled in 1995, and has been amended several times since; the most recent being in August 2005 when, among other things, it was combined with the regulation that deals with Manufactured Home Estates.

The requirements of the previous Ordinance, and now the Regulation, provide the design standards for the development, layout and operation of caravan parks. The Regulation also functions as the basis for the issue of the Section 68 Approval to Operate a Caravan Park.

It is anticipated that the redeveloped holiday park will be compliant with the Regulation. The compliance of the holiday park will be examined by Council and a revised Section 68 Approval to Operate will be required if the application is approved.

5.6 Planning Agreements

No planning agreements apply to the subject land.

5.7 Coastal Zone Management Plan

The subject land is not affected by the Yamba Coastline Management Plan (2003); however, it is subject to the Clarence Estuary Management Plan (2003).

The site is not mapped as being affected by coastal erosion and is not affected by river bank erosion.

Key requirements of the Estuary Management Plan are that development does not cause any decline in water quality in the Clarence River and does not disturb acid sulfate soils without appropriate treatment.

Comment:

The site is mapped as Acid Sulfate Soil Class 2. An Acid Sulfate Soil Management Plan has been prepared for the development (Annexure L) and recommends that soil testing at three points of the site be undertaken prior to commencement of construction. Should acid sulfate soils be identified with the soil tests or later during the works, the management actions outlined in the management plan shall be observed.

Redevelopment of this park is unlikely to reduce water quality in the Clarence River. Erosion and sediment controls during the construction phase will be critical to achieving this result. Post-construction, the areas of landscaping should increase stormwater infiltration.

6 LIKELY IMPACTS OF THE DEVELOPMENT

Positive impacts	Negative impacts
<ul style="list-style-type: none"> ▶ Town green and public access to Yamba Bay ▶ Traffic removed from Yamba Street ▶ Better tourist accommodation and sites for travellers ▶ Removal of asbestos and lead paint from the site ▶ Removal of disused fuel tanks and site remediation ▶ Less traffic and demand on infrastructure due to reduced site numbers ▶ Improved drainage in south-western sector of the site ▶ Expansion of Ford Park public car park 	<ul style="list-style-type: none"> ▶ Temporary loss of tourist accommodation during site works ▶ Long-term reduction in sites after redevelopment ▶ Disruption to roads and traffic during construction ▶ Construction noise and disturbance to close neighbours ▶ Loss of six on-street car spaces ▶ More traffic using River and Harbour Streets than currently do so

7 SUITABILITY OF THE SITE

The site is relatively flat and has been used as a caravan park since the 1960s. It is ideally located to provide tourism accommodation in Yamba, close to services yet without significant adverse impacts on surrounding development or the natural environment. Visitors can park their car at their site and then walk to shops, restaurants, the river or the beach.

It has capacity in all essential infrastructure and services such as water, sewer and roads. There are no significant biodiversity impacts and no significant heritage impacts. It will restore an important historical link between the main street of Yamba and Yamba Bay.

The proposed development can be completed with no negative impacts on flooding, and all new habitable accommodation will be installed with a floor level 500 mm above the one-in-100-year flood level (3.01 metres AHD).

The site is well suited to the proposed development.

8 PUBLIC INTEREST

The redevelopment will allow continued use of this site, which has been a caravan park since the early 1960s. The redevelopment respects the heritage of the site and will provide quality cabins and camping sites located within walking distance of the CBD and a range of services and facilities. It will restore the pedestrian link between the main street of Yamba and Yamba Bay, providing a “town green” for the wider community to enjoy. It will remove traffic and caravans from the main street by creating a new entrance off River Street.

A draft concept plan for redevelopment was placed on public exhibition in 2014, and 56 submissions were received. The breakdown was 53% generally non-supportive, 16% generally supportive and 30% neither supportive nor unsupportive. A number of changes were made in response to concerns, eg cabin numbers reduced from 35 in the draft to 29 in this development application. There was also general support for the demolition of old structures such as the brick apartments. However, key concerns such as the reduction of sites cannot be addressed because the revised sites need to be larger to comply with current regulations.

The public interest is supported by the redevelopment of this site because it is a use expressly permitted in the SP3 zone and is consistent with the key zone objectives:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To provide for tourist accommodation that does not compromise the environmental, scenic or landscape qualities of the land.*

It is also consistent with the key zone objectives of the RE1 zone:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The development is consistent with Clarence Valley LEP 2011 and generally complies with Clarence Valley DCP 2011. The areas of non-compliance are justified. It will be a high-quality development that will be an asset to the local community for decades to come.

9 CONCLUSION

This SEE has been prepared to accompany an application for development consent for redevelopment and minor expansion of the Calypso Holiday Park in accordance with the accompanying plans and reports. It has been prepared in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council should grant consent to this development for the following reasons:

- 1 The development is consistent with Clarence Valley LEP 2011, including the key objectives of the SP3 and RE1 zones.
- 2 The development generally satisfies the relevant provisions of Clarence Valley DCP 2011, including heritage controls. Areas of non-compliance are minor and well justified. There is sufficient urban infrastructure to service the proposed development.
- 3 The redevelopment respects the natural environment of Yamba Bay and the Clarence River, and is unlikely to cause any negative impacts on it. It will enhance public access to Yamba Bay and adjoining park land.
- 4 The redevelopment does not impact on the heritage listing of the site and will retain it as a tourism accommodation facility for decades to come.
- 5 The redevelopment provides an opportunity to remove asbestos and lead paint from the site by demolishing buildings that do not contribute to its heritage value. It also allows the removal of disused underground fuel tanks and remediation of the site.
- 6 The redevelopment is an appropriate use of the land, having regard to the long-term use of the site as a caravan park and the built and natural environment in the locality.

The proposed redevelopment is a positive addition to Yamba, and presents a unique opportunity to rejuvenate an important tourism asset.

Calypso Yamba Holiday Park – Request to dedicate and develop portion of land for a Town Green in lieu of capital contributions.

Council as Crown Land manager would like to offer a portion of the land of Lot 7306/1140375 to be developed into a Town Green for public use offering significant material public benefit.

The Town Green will provide an entry statement and central pathway connecting Yamba Street to Yamba Bay featuring an avenue of native plantings around existing Norfolk pines; casual sandstone seating with timber picnic platforms and grassed lawns; Yaegl Native Title Holders yarning circle incorporating language, stories and totems. This area will deliver a flexible open space for a variety of casual and structured activities including picnics, events, markets, buskers, shows etc. incorporating water and power connection points and will be wheelchair accessible.

It is requested as per section 2.18.1 of the Clarence Valley Council Contribution Plan 2011, that Council accept the development of part Lot 7306 for the purposes of a Town Green in lieu of, part or all, the capital contributions to be imposed on the DA if it is approved. The development provides for material public benefit by providing a direct link from the Yamba CBD to the river in accordance with the objectives of the Clarence River Way Master Plan to promote Yamba as the gateway Port to the Clarence. It also meets the objectives of the Yamba Village Centre Master Plan - Beautification Program, August 2003 which identifies the need for acknowledgment and better use of the river, river front areas for sitting and eating, link between the village centre to Yamba Bay and foreshore walk.

When considering an offer to provide a material public benefit, the Consent Authority must take into account the provisions of Clause 2.18.3. This development meets these provisions by:

- overlapping with existing Local Infrastructure;
- satisfying community demand as identified in the Yamba Village Centre Master Plan;
- not requiring public funds for operations and maintenance as it will be incorporated into the holiday park operations and maintenance;
- the proposed land complies with criteria, specifications or standards established by the Council that are contained in the:
 - Clarence River Way Master Plan,
 - Yamba Village Centre Master Plan,
 - Clarence Valley Open Space Strategic Plan,
 - Caring for our riverside parks and reserves: A strategy for managing riverside recreation and riparian vegetation Strategy ;
- confirming ultimate ownership of the proposed material public benefit will remain part of the current lot 7306/1140375 and be included in the holiday park management
- the provision of the material public benefit being encompassed in redevelopment of the Calypso Yamba Holiday Park
- providing material public benefit as the cost of Town Green works is estimated at \$400,000 versus the cost of s7.12 contributions estimated at \$87,500.