

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSNTH-36
DA Number	DA2020/0220
LGA	Clarence Valley Council
Proposed Development	Redevelopment of caravan park - Reduce total number of sites from 168 to 133, provide 30 metre wide public access corridor (Town Green). Construct new holiday park entrance, demolition of ageing facilities, new internal servicing infrastructure, new community facilities, 16 new tourist cabins, removal of 18 trees (no Norfolk island pines), landscaping and fencing and removal of disused tanks and site rehabilitation.
Street Address	8A Harbour Street, Yamba NSW 2646
Applicant/Owner	Clarence Valley Council / Crown Lands NSW Reserve No. 81523 (Council as Land Manager)
Date of DA lodgement	30 April 2020
Total number of Submissions	• 4
Number of Unique Objections	• 4
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 20: Council related development over \$5 Million; the estimated cost of the development at lodgment was is \$8,750,000.00 and Council is the applicant.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• Local Government Act 1993</li> <li>• Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No 21—Caravan Parks</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Clarence Valley Local Environmental Plan 2011</li> <li>• CVC DCP – Development in Environmental Protection, Recreation and Special Uses Zones</li> <li>• Grafton and Lower Clarence Floodplain Risk Management Plan (2014)</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Site Plans, Precinct Plans, Demolition Plan, Building Plans Swimming Pool Plan, Town Green Concept Plan &amp; Landscape Plan (37)</li> <li>• Section 7.12 Contribution Offset – Council minutes &amp; resolution</li> <li>• DPIE letter to Council re S82(3) Objection</li> <li>• DPIE Instrument of Concurrence – Calypso Caravan Park</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Statement of Environmental Effects</b></li> <li>• <b>Submissions</b></li> <li>• <b>Letter of Peer Review of Assessment – Coffs Harbour City Council &amp; attachment</b></li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• <b>Amenity impacts</b></li> <li>• <b>Access for Port Authority</b></li> <li>• <b>Native Title Determination (confidential submission)</b></li> </ul>
<b>Report prepared by</b>	<b>Pat Ridgway, Senior Development Planner</b>
<b>Report date</b>	<b>7 February 2022</b>

#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

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

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

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

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

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

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

### Assessment Report and Recommendation

#### Introduction

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.

Council has received a development application for the redevelopment of the Calypso Caravan Park on 30 April 2020. The park is located on a Crown Lands NSW Reserve and Council is the Land Manager of the reserve (Public Reserve 81523). The proposed alterations and works are part of the ongoing use of the site as a caravan park and include a minor expansion onto part of Lot 203 DP 727454, which is currently used as a car park for Ford Park and is also part of Reserve 81523). The reserve (Ford Park & Calypso Caravan Park) and 148 other Crown Reserves that Council manages are included in a generic Plan of Management (PoM) which is currently with NSW Crown Lands. Council is waiting for the PoM to be reviewed/given Ministerial consent and the PoM will then be put on public exhibition before being formally adopted.

The Caravan Park is located on Harbour Street Yamba on Lot 202 DP727306, Lot 7306 DP1140375 and Lot 266 DP822794. The Port Authority operates the Pilot Vessel from Pilot Wharf that gains access through the park, currently through the existing park access point.



The application is referred to the Northern Regional Planning Panel (NRPP) as the estimated cost of the development at the time of lodgment was \$8,750,000.00 and Council is the applicant.

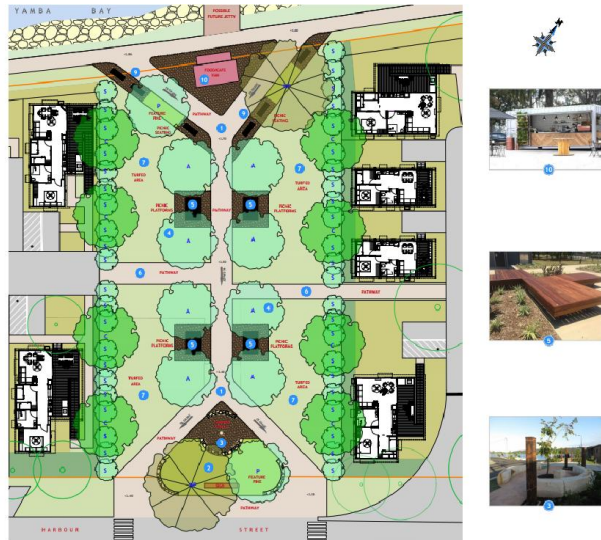
The proposal includes a reduction in the number of sites from 168 to 133, a new holiday park entrance off River Street, demolition of ageing facilities, new internal infrastructure, new communal facilities, new tourist cabins, removal of disused fuel tanks, site rehabilitation, landscaping and fencing.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



Council has made an application objecting to the requirements of Sections 119(a), 110(1)(a) & 130 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. and requested for concurrence from the Director General under Section 82(3) which requires the construction of shower and toilet blocks and laundry out of brick or concrete masonry block. As proposed the shower, toilet and laundry amenities are to be constructed of modern lightweight relocatable design. Concurrence was granted by the Department on 7 April 2020 that Sections 119(a), 110(1)(a) & 130 of the Regulation do not apply to the development.

Council as Crown Land Manager intends to offer a portion of the land of Lot 7306 DP1140375 to be developed into a 'Town Green' for public use, being a public park that extends through to the river, which includes the cost of works estimated at \$400,000.00.





A request to include capital works for the Town Green to a value of \$400,000.00 in lieu of Section 7.12 local infrastructure contributions payable under Council's adopted Clarence Valley Contributions Plan was put to Council's June 2020 meeting. Council resolved to accept the offer for works and public material benefits in accordance with Council's adopted Contributions Plan. An extract of Council's resolution is provided below and a full copy of the report is provided in the Attachments.

#### **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**

The development application was placed on public exhibition between 5 May 2020 and 28 May 2020, advertised in the local newspapers (Clarence Valley Independent, Coastal Views & Daily Examiner) and written notice was provided to adjoining land owners in accordance with the Council's DCP requirements and legislative requirements.

Aboriginal cultural heritage investigation has been undertaken and no known Aboriginal cultural heritage, practices or places have been linked to the site. Consultation has been addressed in accordance with Department of Planning Industry and Environment guidelines. The development will be located over existing developed areas. According to the AHIMS register, no sites are currently located on the subject land or within 200 metres of it. As described in the Statement of Environmental Effects 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 Yamba 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.

NTSCORP has made a submission on behalf of the Yaegl Traditional Owners Aboriginal Corporation RNTBC (Yaegl RNTBC) (the registered native title body corporate) which holds the Yaegl People's native title rights and interests on trust. Council has engaged in confidential discussions with Yaegl Traditional Owners in regard to Native Title and an Indigenous Land Use Agreement (ILUA). Confidential negotiations are ongoing under a draft ILUA. It is the opinion of Council that these negotiations can continue and be determined separately to the ILUA negotiations. The NTSCORP submission is provided as a confidential submission as it forms the basis of the confidential discussions.

The subject land is a heritage listed Item in the Clarence Valley LEP 2011 (item I412). The Park has heritage significance as one of the few remaining public camping areas in Yamba. The site was once known as Billy Black's Bay and in 1959 the lagoon area in the bay was filled with dredged material from the bay to form the site for the caravan park. A statement of heritage impact has been prepared to address the potential heritage impacts and concludes that the

proposed redevelopment will have minimal heritage impact as long as sensitive fencing is used. The redevelopment will retain the significant heritage listed Norfolk Island Pine trees that are scattered throughout the site.

Council's Development Engineer supports the application with conditions. A summary of comments is provided below:

- The development site covers 4 lots being part of lot 3 in DP 727454, lot 2 in DP 727454, lot 7306 in DP1140375 and lot 7307 in DP 1140375. It would be prudent to consolidate the 3 lots into one lot with a minor boundary alignment of Lot 3 in DP 727454 to enclose the development within one boundary.
- A water supply assessment has been undertaken by consultants Ardill Payne which shows a reduced equivalent tenement (ET) load and adequate capacity to service the development site and one additional fire plug, from the adjacent existing infrastructure.
- A sewage treatment assessment has been undertaken by consultants Ardill Payne which shows a reduced ET load and adequate capacity to service the upgraded development and new infrastructure proposed on the site, from the adjacent existing infrastructure.
- The proposed development will have 35 fewer sites and 4 additional visitor parking spaces available. This will result in a reduced volume of traffic travelling to and from the site. Currently there is one entry and exit access point to the site whereas the proposed access will add one additional entry point and another exit point totaling 3 access points on the site. This will reduce traffic loads onto and within the site and will reduce any bottle neck occurring at the existing entry to the park. The existing road network has the capacity to adequately service the proposed development.
- There is no proposed stormwater treatment or retention in the proposed development. Stormwater will be directed to new inlet pits and grated sumps to be positioned within the roadways and around the site with some placed directly over existing infrastructure. Additional drainage lines are also proposed around the site to connect isolated inlet pits and then to discharge into exiting stormwater drains that already cross the site and outfall to Yamba Bay.
- The current standards specify that minor drainage systems shall have a minimum pipe size of 375 mm diameter. The proposed pipes within the development are 225 mm diameter. Given that this is a closed system, the grated inlet pits will stop large rubbish (e.g. Coke cans) from entering the pipes and that the pipe lengths are short and drain into existing systems of adequate capacity, 225 mm would be acceptable in this case. Given that the existing system has no treatment or detention and the proposed development is of a smaller scale than that which currently exists, there is little argument to provide treatment. Further, outfall is directly to Yamba Bay and detention will have no net benefit environmentally or in flood mitigation. The draft stormwater management plan for the site is considered acceptable.

Clarence Valley Council is the applicant and the development application has been assessed by Clarence Valley Council staff. On the advice of the Panel, Council staff sought an independent review of the assessment of the development application by Coffs Harbour City Council. Comments from Coffs Council are included as an attachment to this report.

## **Recommendation**

It is recommended that:

1. Development application DA2021/0220 be approved subject to the advices and conditions provided in Schedule 1 attached to this report.

## **Reasons for Recommendation**

Council submits that the recommendation should be supported for the following reasons:

- The development application is permitted with consent in the SP3 Tourist Zone, complies with legislative requirements, has appropriately considered potential impacts, is suitable for the location and will have positive social and community benefits. The development is not considered to be inconsistent with the public interest subject to proceeding in accordance with the Statement of Environmental Effects, information submitted and recommended consent conditions.

## **Statutory Development Assessment Framework**

### **Section 4.15 Assessment**

#### **(1) Matters for consideration - General**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

##### **(a) the provisions of:**

##### **(i) any environmental planning instrument**

### State Environmental Planning Policy (State and Regional Development) 2011

Part 4 of the Policy applies to regionally significant development specified in Schedule 7 for the purposes of the *Environmental Planning and Assessment Act 1979*.

For development of a kind that is declared by an environmental planning instrument as regionally significant development the consent authority is the Sydney district or regional planning panel for the area in which the development is to be carried out.

Under the Policy development regionally significant development is development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

Clarence Valley Council is the applicant and the development has a capital investment value of \$8,750,00.00. The Northern Regional Planning Panel is the consent authority for the development.

### State Environmental Planning Policy (Infrastructure) 2007

Clause 65(3) of SEPP Infrastructure 2007 states that certain 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. 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 and 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. While some works could be carried out without consent Council has lodged a development application to encompass the entire holiday park redevelopment.

### 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.

The subject property is located within the coastal environment and coastal use area identified under the Policy which require the Consent Authority's consideration:

#### *13 Development on land within the coastal environment area*

*(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:

The impacts of the proposal on the coastal environment area will not adversely impact on the matters listed in the policy and any impacts can be suitably managed and/or minimised.

*14 Development on land within the coastal use area*

*(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:

The re-development of the park and new buildings are suitably designed and sited and can be suitably managed to avoid any adverse impacts of the proposal on the coastal use area. New buildings will not adversely impact on the surrounding coastal and built environment and will be compatible in terms of bulk, scale and size.

State Environmental Planning Policy No 55 – Remediation of Land

The policy provides for consideration of possible land contamination, and remediation for the purpose of reducing the risk of harm to human health or the environment. Clause 7 requires a consent authority consider whether land is contaminated and if so whether the site is suitable for the intended purpose.

A consent authority must not consent to the carrying out of any development on land unless:

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The land 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 used for a caravan park and no change of use is proposed.

The redevelopment will remove asbestos and lead painted structures (located in older structures) from the site and will include the removal of disused underground fuel tanks and site remediation. 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 location. 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.

As provided in the SEE:

*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.*

*There is sufficient information demonstrating that the land can be made suitable by remediation through imposing conditions on the development consent requiring remediation to be carried out and validated.*

Comment: Appropriate conditions of consent have been provided in the schedule of draft conditions requiring remediation and validation in accordance with the relevant guidelines.

#### State Environmental Planning Policy No 21—Caravan Parks

##### Clause 8 Development consent required for caravan parks

Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—

- (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and*
- (b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.*

Comment:

The caravan park caters predominantly for short-term residents (such as tourists). Consistent with the aim and objectives of the Policy 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 133 to reduce overcrowding and provide more generous sites that will be compliant with current standards and regulations. The application is compliant with the Policy.

##### *10 Matters to be considered by Councils*

*A Council may grant a development consent required by this Policy only after it has considered the following—*

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- (e) any relevant guidelines issued by the Director, and*
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

Comment:

The redevelopment of the caravan park is on the existing land used for the same purpose and will continue to be suitable for tourist accommodation with only short term sites. There will be no change to the availability for low cost housing by the redevelopment of the park. The township of Yamba has areas for new land release areas for residential subdivisions and approved manufactured home estates which provide a form of low cost housing in the locality relative to the land values of the area. The redevelopment will provide new modern facilities that are accessible to all park occupants. The development will be required to comply with relevant guidelines and the Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation 2021.

#### State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal requires the removal of a small amount of vegetation with the majority of trees being retained. Compensatory plantings for canopy shade, screening and ornamental plantings will improve the landscaping with native endemic species. The biodiversity impacts from the proposal are beneficial and provide adequate offsetting in



accordance with Councils Biodiversity Offset Policy where clearing of vegetation has been largely avoided and suitable plantings are provided.

#### Clarence Valley Local Environmental Plan 2011

The subject land is zoned SP3 Tourist under the Clarence Valley LEP, the adjacent Ford Park land is zoned RE1 Public Recreation where the minor expansion of the holiday park will include associated entry infrastructure onto the land zoned RE1 of Ford Park. Caravan Parks are a permitted use in both zones subject to consent from Council.

- a **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.

Under the LEP the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the SP3 Tourist zone are:

- 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.

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.

The proposal is consistent with the objectives of both zones being the continuation of the use of the RE1 zone for access to recreational uses and for the SP3 zone being a tourist oriented development, compatible with tourism uses, provides for tourist and visitor accommodation, will not compromise the environmental, scenic or landscape qualities of the land; no retail or business use is proposed.

With the recommendations in this report adopted, there are no likely unreasonable conflicts with surrounding land uses anticipated by the redevelopment of the park.

#### **Local Provisions Clarence Valley Local Environmental Plan 2011**

##### *2.7 Demolition requires development consent*

The demolition of a building or work may be carried out only with development consent.

The application includes demolition of ageing infrastructure including the existing managers unit, brick holiday units, swimming pool and amenities. Existing underground fuel tanks are to be removed and the areas proposed for demolition are not part of the heritage listing of the park and are not considered to have an impact on the heritage significance.

##### **5.10 Heritage Conservation**

Council's Strategic Planner has commented that the heritage listing of the reserve/caravan park recognises its significance as follows:

*The Calypso caravan park has historical significance as one of the few remaining public camping areas in the village of Yamba. Open space for tents is still part of the park landscape, although the number of cabins is increasing. It is representative of its type and is associated with the theme of tourism and the development of Yamba as a tourist town. A SOHI has been provided to address CVLEP 2011 heritage issues.*

#### **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,*

*1. The proposed axis through the centre of the park to provide a public connection from the town centre to the Yamba Bay foreshore is a significant public benefit contribution.*

2. Ageing facilities are to be upgraded and replanned. The proposed cabin and replacement buildings are lightweight with use of weatherboard profile and flat compressed sheets which are evocative of the beachside development. Skillion roof designs are acceptable within this context. (The DCP generally requires use of traditional gable or hipped roof forms for infill heritage development, however this site is not within in a traditional historic streetscape context. The proposed colour palette is acceptable in this context but would be avoided in a more historic built context.

3. I concur with the findings of the SOHI which 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. (It does introduce one new building - proposed camp kitchen to the foreshore line).
- The redevelopment will retain the significant Norfolk Island Pine trees that are scattered throughout the site.

#### Fencing

The new fencing proposed along Yamba Bay is proposed as 1 metre-high black chain wire to be supplemented with landscaping. It does not seem to be shown on elevation plans.

Black is recessive, and a metal fence is proposed probably for maintenance. However the introduction of timber elements such as a top rail could be considered to provide a more attractive and 'softer' aesthetic character. Final details of the fence are to be provided.

#### 5.21 Flood Planning (effective 14/7/2021)

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

The subject land is almost entirely within a flood planning area.

#### Comment:

The site is located below the 1:100 year flood level and Council's Flood Plain Management controls apply to the site. Although the 1% AEP flood level remains the starting point for councils when assessing development on land in a flood planning area, the new provisions under this clause enable councils to take into account the most severe flooding conditions when assessing and determining whether approval for development is appropriate. Minimum habitable floor levels apply to habitable buildings, and for other buildings, the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas applies. A Structural Engineers certificate is to be submitted prior to issue of the construction certificate to verify the buildings will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions. It is not considered likely that the proposed development will have an adverse impact on the flood characteristics of the area.

The site receives significant warning times during major flood events which generally occur in advance from upstream

catchments. This enables the park to plan the evacuation of occupants well before sites are inundated by flood water. A draft condition of consent is proposed for the provision of an updated Flood Evacuation Flood Emergency Management Plan which is to be undertaken with consultation with the NSW State Emergency Service to ensure that the timely, orderly and safe evacuation of people from the park

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

The new buildings will be relocatable structures allowing removal should the surrounding area is impacted by flooding or coastal erosion or climate change impacts.

### 7.1 Acid sulfate soils

The areas to be developed are mapped as potentially having class 2 & 3 Acid Sulfate soils.

Development consent is required for the carrying out of works described in the table in the LEP on land shown on the Acid Sulfate Soils Map of the LEP as being of the class specified for those works.

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.

Accordingly, a condition of consent will require that 'all excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998"'. An Acid Sulfate Soils Management Plan has been submitted with the application.

### 7.2 – Earthworks

Development consent is required for earthworks unless they are exempt or ancillary to other development having consent. The consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The earthworks for the proposed development are only minor and construction works will require effective erosion and sediment control management measures to protect the surrounding environment. An erosion and sediment control plan must be submitted prior to the commencement of works. The disposal of excavated materials are to be disposed of at an authorised site or facility. Stormwater from the site once constructed will be directed to existing stormwater system.

### Clause 7.3 Flood Planning (Repealed and replaced by Clause 5.21)

This clause has been repealed since the lodgement of the application. An assessment is provided in regard to provision that was current at the time of lodgement of the development application.

Under the clause 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.

Minimum habitable floor levels apply to habitable buildings, and for other buildings, the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas applies. A Structural Engineers certificate is to be submitted prior to issue of the construction certificate to verify the buildings will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.

The site receives significant early warning during major flood events which generally occur in advance from upstream catchments which allows for sufficient timing for evacuation. This enables the park to plan the evacuation of occupants well before sites are inundated by flood water. A draft condition of consent is proposed for the provision of an updated Flood Evacuation Flood Emergency Management Plan which is to be undertaken with consultation with the NSW State Emergency Service to ensure that the timely, orderly and safe evacuation of people from the park.

These measures ensure that the risk to flood and flood hazards are adequately managed. The new structures to be constructed will not result in significant adverse effects from flooding nor result in unsustainable social and economic costs to the community as a consequence of flooding.

No riparian vegetation will be affected and the redevelopment 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.

The new buildings will be relocatable structures allowing removal should the surrounding area is impacted by flooding or coastal erosion or climate change impacts.

#### *7.4 Floodplain risk management*

*(2) This clause applies to—*

- (a) land between the flood planning area and the line indicating the level of the probable maximum flood as shown on the [Flood Planning Map](#), and*
- (b) land surrounded by the flood planning area,*  
*but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*
- (3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—*

- (a) caravan parks,*
- (b) correctional facilities,*
- (c) emergency services facilities,*
- (d) group homes,*
- (e) hospitals,*
- (f) residential care facilities.*
- (g) tourist and visitor accommodation,*

*Comment:*

The site is located below the 1:100 year flood level and Council's Flood Plain Management controls apply to the site. Minimum habitable floor levels apply to habitable buildings, and for other buildings, the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas applies. A Structural Engineers certificate is to be submitted prior to issue of the construction certificate to verify the buildings will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions. It is not considered likely that the proposed development will have an adverse impact on the flood characteristics of the area.

The site receives significant warning time during major flood events which generally occur in advance from upstream catchments. This enables the park to plan the evacuation of occupants well before sites are inundated by flood water. A draft condition of consent is proposed for the provision of an updated Flood Evacuation Flood Emergency Management Plan which is to be undertaken with consultation with the NSW State Emergency Service to ensure that the timely, orderly and safe evacuation of people from the park. These measures ensure that the risk to flood and flood hazards are adequately managed and if flood events exceed the flood planning level there are adequate measures in place for the safe occupation of, and evacuation from, the land.

#### *7.5 Coastal risk planning*

The land is not identified as being affected by any coastal hazards on the Coastal Risk Planning Map.

#### *7.8 Essential services*

Services that are essential for the proposed development (water, electricity, sewage, stormwater drainage and road access) are available.

**(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the**

making of the draft instrument has been deferred indefinitely or has not been approved),

NA

(iii) any development control plan,

Development Control Plan for Development in Environmental Protection, Recreational and Special Use Zones (DCP)

The Environment Protection, Recreation and Special Use Zones DCP applies to the SP3 – Tourist Zone and RE1 – Public Recreation Zone. Discussion is provided in relation the relevant provisions of the DCP.

Criteria	Proposed	Required/Limit	Complies	Comment
<b>Part C General Controls</b>				
<b>C1 Objectives</b>	Responsive to site constraints and surrounding environment.  High quality and sensitive to surrounding character.  Functional and appropriate for the type of use/activity.  Provide adequate buffers to reduce conflict with adjoin land uses and residential amenity.		Y	The application is for the redevelopment of the existing caravan park and the redevelopment is considered responsive and functional in relation to the site constraints, surrounding character and adjoining uses.
<b>C4 Streetscape requirement</b>			Y	The development will have a minimal impact on the streetscape.
<b>C5 Building design</b>			Y	The site plan demonstrates the proposed location of new buildings which are suitably located. Buildings to be used in the redevelopment of the caravan park will be modern, of high quality design, fit for purpose and meet the needs and expectations of guests
<b>C7 Impact on Coastal Views</b>			Y	The proposal will not impact on coastal views
<b>C17 Setbacks</b>			Y	Side and rear setbacks will comply with the local government regulation.



<b>C18 Development on flood liable land</b>			Y	The site is flood prone – the requirements have been considered in the assessment of the application.
<b>C22 Development on land identified on Acid Sulfate Soils Planning Maps</b>			Y	The land is mapped as class 1 & 2. As required under the LEP an acid sulfate soils earthworks management plan has been provided.
<b>C26 Provision of essential services</b>			Y	Conditions of consent will ensure that the development will be adequately serviced to Council's standards.
<b>Part D Floodplain management controls</b>				
			Y	
<p>The relevant flood plain is the Lower Clarence Food Plain.</p> <p>The table in schedule T4 outlines the prescriptive controls that apply to the 'Special uses, open space and environmental protection' land use category on the 'general floodplain'.</p>				
<b>Schedule T4</b>				
<b>General Notes</b>	1. A freeboard will apply to habitable floor areas			
	2. The matrix identifies that the land is not characterised as being unsuitable for the land use			
	3. No Filling of the site is proposed			
	4. No fences are proposed that will be impacted or will impact flood behaviour			
	5. No voluntary acquisition is proposed			
	6. The proposal will include the consolidation of allotments and does not include subdivision of land			
	7. Noted			
<b>Floor and Pad levels</b>	<p>Habitable floor levels are to be no lower than the 1:100 year flood level plus freeboard.</p> <p>A height of 3.01m can be achieved on the site through the raising of floor levels</p>			
<b>Building components &amp; Method</b>	The applicant will need to demonstrate that the required floor levels for habitable buildings are achieved.			
<b>Structural soundness</b>	Council will require compatible building components be used below the habitable flood level and that buildings are structurally sound.			
<b>Flood effects</b>	No structures are proposed that will significantly increase flood effects elsewhere. It is not considered that the proposed works will cause significant flood effects elsewhere during a flood event.			

<b>Evacuation</b>	The relevant controls that apply are listed in the matrix. Adequate flood warning is available to allow safe and orderly evacuation to higher ground. The park has a flood evacuation plan.			
	The applicant will be advised of the required habitable floor levels and PMF levels as an advice in the notice of determination.			
<b>Part E Parking</b>			Y	Requirements for parking and access are provided in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. There will be 133 sites and each is provided with a car park area. There are 9 visitor parking sites and only 7 are required. Accessible cabins with accessible parking are provided and amenities are accessible to disabled persons. Parking will be available for the Pilot Wharf and 2 spaces are provided for the managers residence. Compliance with the parking requirements will be required to be met prior to the issue of and approval to operate for the park.
<b>Part H Erosion &amp; Sediment Control</b>			Y	Acceptable measures will be required for any earthworks associated with the development
<b>Part H Subdivision and Engineering Standards</b>				Engineering standards apply to all building and infrastructure works.

(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,

N/A

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

#### **Environmental Planning and Assessment Regulation 2000**

The proposed development is not inconsistent with the prescribed matters.

#### ***Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021***

Assessment of compliance of the proposed modification against the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 has been considered and the proposed development is not inconsistent with the relevant requirements of the Regulation. Requirements will need to be demonstrated prior to an issue of an approval to operate is issued under the Local Government Act 1993.

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The approval of this application will allow for some short term localised economic gains due to the employment of construction businesses during the construction stages. The proposal will have an overall positive economic effect in the expansion of the holiday park.

Ecologically, the impacts of the development can be adequately managed through the approved conditions of consent. The development will have a positive social effect through providing suitable services for tourist accommodation. Socially there are minimal potential negative impacts on adjoining properties. The cultural values of the site are maintained.

Conditions of consent ensure that the land is adequately serviced, adequate infrastructure is in place and suitable for the development. The proposal, if implemented with the recommended conditions, will on balance provide an ongoing sustainable development.

**(c) the suitability of the site for the development,**

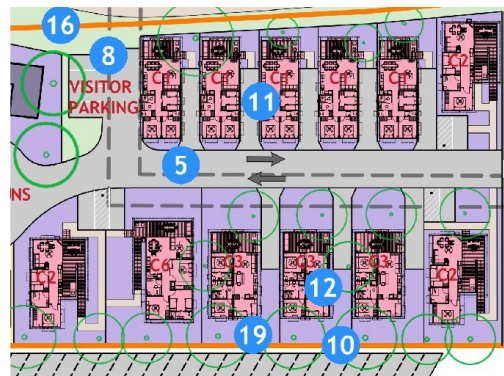
The subject site is considered suitable for the proposed development. The site has a current development approval for a caravan park. The development footprint is over a slightly reduced area as the existing caravan park and in an area that is not considered to be of high ecological significance. There are no unreasonable conflicts with surrounding land uses anticipated and the site is suitable for the proposed development subject to the imposition of conditions.

**(d) any submissions made in accordance with this Act or the regulations,**

The proposed development was notified and advertised in accordance with Act, Regulations and Council's Community Participation Plan. During the exhibition period four (4) submissions were received. A copy of the submissions has been provided to the Panel Secretariat and a copy is provided in the attachments to this report. The concerns raised in the submissions are considered below:

Submission	Comment
Diminished views and loss of amenity resulting from the new 'apartment buildings' from the shop top housing unit at 2/1 Yamba Street	<p>The three storey shop top housing building with ground floor shops at 2/1 Yamba Street is a corner lot and the unit looks out towards Yamba Bay to the North. Currently the unit looks out towards the single-story amenities block, two storey unit block (to the north) and office and managers residence (to the north east). As proposed, these buildings and the adjoining car park area is to be replaced with cabins with skillion roofs that have a varied height of 3.91m to 4.445m.</p> <p>The vistas from the unit's windows are well above this height and compared to the current views to Yamba Bay the views out to the bay are not considered to be significantly impacted, if not improved. The new cabins are well below the height of the existing two-storey unit block and the view lines to the bay are improved by the reduced height of buildings and an increase sight lines between the cabins to the bay. The impacts from the location of the single storey cabins (not apartments) will not significantly impact or reduce the views available to the shop top housing unit.</p> <p>The location of the cabins will replace the existing carpark area and the existing access to the caravan park will be relocated to two access points on River Street to the west and further down Harbour Street to the east. The area within the caravan park to the north of 2/1 Yamba Street will also become the 'town green' with a community open space area, landscaping structures, local sculptures and plantings. The redevelopment of the park in this area will considerably improve the overall appearance of the current street scape. The vehicular traffic currently experienced to and from the caravan park in this location will be relocated away from 2/1 Yamba Street.</p> <p>The proposed development is not considered to create any adverse impacts on the amenity of the area currently experienced and will likely improve views to the bay.</p>

As depicted in the plans below the single story cabins to be built in this area shown on the plans are Type C1, C2, C6 & C3. The views from the property will be over these cabins and over the 'Town Green'.



#### Port Authority NSW

Port Authority's interest in the Development Application is primarily connected to its role as the Harbour Master for the Port of Yamba and access to the Pilot Wharf.

Council is committed to the allowing the continuation of the Port Authority access to the wharf, parking for the wharf and easements for services (access, water and power). Comments provided in the Statement of Environmental Effects do not reflect Council's intentions in requiring a relocation of the wharf, these are opinions of the consultant. Discussions have been had with the Port Authority in regard to their concerns.

No works are proposed in or from the bed of the port. The jetty shown in the plans is marked as 'possible future jetty' and does no form part of this application.

#### Traffic impacts on Harbour Street

Harbour Street is an alternate access and provides street parking to the adjoining Ford Park and CBD of Yamba. Angled parking has been provided in the road reserve. The road is narrow and pedestrian access is limited with no footpath in the road reserve. The boundary of the caravan park is fenced along the boundary of Harbour Street. The development application is for the redevelopment of the caravan park and no pedestrian access, other than the entrance to the 'Town Green' and eastern precinct is proposed on the road. While it is an issue for Council's civil services to address, there is no nexus to the development application that should require the construction of a footpath in the Harbour Street road reserve.

<p>Impacts on 13 River Street residence fronting the new entrance:</p> <ul style="list-style-type: none"> <li>• Location of the new entrance away from Harbour Street due to traffic impacts and vehicle queuing, market traffic and other events</li> <li>• Changes to boundary vegetation</li> <li>• No footpath in Harbour Street</li> <li>• Depreciation of land value</li> </ul>	<p>The new entrance to the park has been positioned so as to be located away from the existing parking areas and cul-de-sac adjoining the site. The road and parking spaces are used by Ford Park users, Ford Park events, public toilets, picnic/bbq area and Iluka-Yamba Ferry wharf. The access is designed with a double lay-by bay for entering vehicles with caravans or trailers. Relocating the access further north would impact on the existing road and parking areas and reduce the area available for the lay-by bays.</p> <p>The vegetation along the western end of Harbour Street is to remain as is current. The existing short-term sites are to be enlarged, however this area will otherwise remain the same. It is not considered unreasonable to request further information on proposed plantings on the boundary and a condition of consent is proposed to provide a detailed landscape plan to be approved by Council prior to issue of a construction certificate.</p> <p>Pedestrian access and footpaths in this area have been discussed above.</p> <p>The access to Ford Park, ferry wharf, public toilets, picnic/bbq area and the new entrance to the Calypso Caravan Park will at peak times likely cause traffic issues though the staggering and timing of demand on the access is will mean that peak traffic conflicts will only be temporary. The design of the new access allows for sufficient queuing on-site rather than on the surrounding road/s. Property values are not required to be considered in development assessment, however the impacts on nearby properties are not considered to significantly impact on property values.</p>
---	---

**(e) the public interest.**

The proposed development complies on planning grounds with the relevant legislation and local Council policies ensuring that the public interest is maintained and any potential impacts from the development are minimised.

The proposed development will provide the continuation of camping and tourist opportunities in the town of Yamba. The proposal includes the development of a 'Town Green' to enable the land to be utilised for public open space and recreational purposes. The submitted application has considered the likely impacts of the development and proposed management and mitigation measures as necessary. Therefore, the proposal is considered to be in the public interest and is consistent with the following objects of the Act:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*



## Schedule 1 – Draft Definitions, Advices and Conditions

### Definitions

**NRDC** the current civil engineering standards in accordance with the relevant parts of the following guidelines

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access to Property (AUS-SPEC)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage.

**PWC** means Public Works Certificate and includes Section 138 approval under the *Roads Act 1993* and Section 68 approval under the *Local Government Act 1993*.

**TfNSW** means Transport for New South Wales

**ITP** means Inspection and Testing Plan in accordance with **NRDC**.

**TCP** means Traffic Control Plan in accordance with the **TfNSW** 'Traffic Control at Worksites' Technical Manual.

**NorBE** means the control and mitigation of developed stormwater quality and flow-rate quantity to achieve a neutral or beneficial outcome for post-development conditions when compared to pre-development conditions, in accordance with **NRDC**.

### Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
  - a The construction certificate plans shall detail compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021; the location of existing sewer and stormwater drainage; dimensioned setbacks for community buildings from boundaries and sites including any possible boundary adjustments; visitor parking including accessible spaces, dimensions and setbacks from boundaries and sites; dimensions and area of short term camp sites; location of soil waste dump points; location of existing and proposed fire hose reels and double headed pillar type fire hydrants; location of car washing bay area; location of drying areas including length in metres; location of iron facilities; documentation regarding compliance with section J of the BCA; dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities
  - b Engineering details for all structures including flood engineering for the managers residence; site specific engineering details for the swimming pool and associated structures confirming that the proposed structures will not impose any additional load on the stormwater drainage or adversely affect it in any way; confirm the location of the sewer main and the offset from the proposed adjacent community buildings located in the western section of the site and potentially site specific engineering details for those community buildings confirming that the proposed community buildings will not impose any additional load on the sewer main or adversely affect it in any way.

4. The door to the sanitary compartment must open outwards, or slide or be readily removable from the outside of the compartment unless there is a clear space of at least 1.2m between the closet pan and the doorway.
5. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
6. Metal building components installed in coastal locations shall have corrosion protection measures complying with the Building Code of Australia (BCA). This applies to brick wall ties, steel framing, fixings and metal sheet roofing in locations within 10km of breaking surf or 1km of salt water not subject to breaking surf. Higher standards apply the closer the location is to breaking surf. Upon completion of the building work and prior to occupation an installers certificate shall be submitted to Council to verify compliance with the BCA.
7. It is the owner/builders responsibility to determine the location and depth of all services on site to ensure that access is available to them e.g. sewer mains, stormwater pipes.
8. Demolition work is to be carried out in accordance with AS2601.
9. Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. Hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval
10. The certificates and documentation requested in this approval should be emailed to [council@clarence.nsw.gov.au](mailto:council@clarence.nsw.gov.au) quoting the development application number in conjunction with booking the final inspection.
11. All new work shall be treated and maintained against termites in accordance with AS 3660.1.
  - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
  - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
    - i the method of protection
    - ii the date of installation of the system
    - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label
    - iv the need to maintain and inspect the system on a regular basis.

All materials used in the class 2-9 buildings (in particular floor linings and floor coverings) must comply with the fire hazard properties specified in Specification C1.10 of the Building Code of Australia. Manufacturer's specifications and standard fire test reports confirming compliance will need to be provided prior to the issue of an Occupation Certificate.
12. Accessible facilities for the use of the disabled shall be provided and constructed to the requirements of AS 1428.1-2009.
13. Car parking spaces for people with disabilities are to be provided.
14. Access for people with disabilities must be provided to and within the building by means of an access way in accordance with AS 1428.1-2009:
  - a from the main points of a pedestrian entry at the allotment boundary;
  - b from another accessible building connected by a pedestrian link; and
  - c from any required accessible carparking space on the allotment.
15. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
16. Construction Certificate plans are to show full compliance with the Building Code of Australia

17. Owners are advised of the consent requirements of Clause 5.10 of Clarence Valley LEP 2010 in relation to the need to obtain prior consent for all works including tree removal, new fences, and any alterations to the fabric, finish and appearance of a heritage item or building in a Heritage Conservation Area. Many works can be approved through the 'no fee' minor works and maintenance heritage exemptions of Clause 5.10(3) but must be put in writing and approved prior to commencement. See application form on Council's website.
18. Prior to issuance of the approval to operate, Council's Environmental Health Section must be satisfied that all relevant sections within the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 have been complied with. An inspection of the completed development will be undertaken by a Council Environmental Health Officer prior to issuance of an approval to operate.
19. The following approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.
  - a Environmental Planning and Assessment Act 1979 Section 6.4(b) - Subdivision Works Certificate;
  - b Roads Act 1993 Sections 138 & 139 – approval for works on a road issued by Council and/or TfNSW;
  - c Local Government Act Section 68 - drainage, water & sewer approval;
  - d Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C

Application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

20. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **PWC** has been issued by Council and/or accredited private certifier.

A private certifier who issues a **PWC** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

21. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
22. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.

## Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Plan	Drawn by	Dated	Job No.	Sheets
Existing Site Plan	Integrated Site Design	March 2020	20.06	C-01
Proposed Site Plan	Integrated Site Design	March 2020	20.06	C-02
Proposed Implementation Plan	Integrated Site Design	March 2020	20.06	C-03
Landscape Plan	Integrated Site Design	March 2020	20.06	C-04

Existing Tree Plan	Integrated Site Design	March 2020	20.06	C-05
Waste Management Plan	Integrated Site Design	March 2020	20.06	C-06
Yamba Town Green Concept Plan	Integrated Site Design	March 2020	20.06	C-07
Demolition Plan	Integrated Site Design	March 2020	20.06	-
Proposed Central Precinct, resort pool & Communal buildings	Integrated Site Design	March 2020	20.06	CPL-01
Proposed Eastern Amenities Precinct Layout	Integrated Site Design	March 2020	20.06	CPL-02
Proposed Entry Precinct Layout	Integrated Site Design	March 2020	20.06	CPL-03
Proposed Double Garage & workshop elevations	Integrated Site Design	March 2020	20.06	CA-02
Proposed Workshop Elevations	Integrated Site Design	March 2020	20.06	CB-02
Proposed Managers Residence, Office & Reception Floor Plan	Integrated Site Design	March 2020	20.06	CC-01
Proposed Managers Residence, Office & Reception elevations	Integrated Site Design	March 2020	20.06	CC-02
Proposed Central Precinct, camp kitchen, & Lounge Floor Plan	Integrated Site Design	March 2020	20.06	CD-01
Proposed Central Precinct, camp kitchen, & Lounge Elevations	Integrated Site Design	March 2020	20.06	CD-02
Proposed Central Precinct Amenities Floor Plan	Integrated Site Design	March 2020	20.06	CE-01
Proposed Central Precinct Amenities Elevations	Integrated Site Design	March 2020	20.06	CE-02
Proposed Eastern Precinct Amenities Floor Plan	Integrated Site Design	March 2020	20.06	CF-01
Proposed Eastern Precinct Amenities Elevations	Integrated Site Design	March 2020	20.06	CF-02
Proposed Eastern Kitchen Floor Plan	Integrated Site Design	March 2020	20.06	CG-01
Proposed Eastern Kitchen Floor Plan Elevations	Integrated Site Design	March 2020	20.06	CG-01
Proposed Pool & Spa Site Plan	Lacus Consulting Pty Ltd	18/10/2019	L180122	P003 (rev. P1)
Proposed Pool & Spa General Arrangement	Lacus Consulting Pty Ltd	1/04/2020	L180122	P004 (rev. P2)
Proposed Cabin Type 1 Floor Plan	Integrated Site Design	March 2020	20.06	CH-01
Proposed Cabin Type 1 Elevations	Integrated Site Design	March 2020	20.06	CH-02
Proposed Cabin Type 2 Floor Plan	Integrated Site Design	March 2020	20.06	CI-01
Proposed Cabin Type 2 Elevations	Integrated Site Design	March 2020	20.06	CI-02

Proposed Cabin Type 3 Floor Plan	Integrated Site Design	March 2020	20.06	CJ-01
Proposed Cabin Type 3 Elevations	Integrated Site Design	March 2020	20.06	CJ-02
Proposed Cabin Type 4A & 4B Floor Plan	Integrated Site Design	March 2020	20.06	CK-01
Proposed Cabin Type 4A & 4B Elevations	Integrated Site Design	March 2020	20.06	CK-02
Proposed Cabin Type 5 Floor Plan	Integrated Site Design	March 2020	20.06	CL-01
Proposed Cabin Type 5 Elevations	Integrated Site Design	March 2020	20.06	CL-02
Proposed Cabin Type 6 Floor Plan	Integrated Site Design	March 2020	20.06	CM-01
Proposed Cabin Type 6 Elevations	Integrated Site Design	March 2020	20.06	CM-02

2. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.

3. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

**7.00 am to 6.00 pm Monday to Friday**

**8.00 am to 1.00 pm Saturdays**

**No work permitted on Sundays and public holidays**

The builder is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

4. **Site Safety Management Building** equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
5. All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
6. **Adjoining Building Work** - A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
  - a Preserve and protect the building from damage; and
  - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

7. **Toilet Facilities** - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - a A standard flushing toilet, connected to a public sewer, or
  - b An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.



8. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited, and
  - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
  - c Showing the name, address and telephone number of the principal certifying authority for the work, and

Any such sign is to be removed when the work has been completed.

9. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colourbond, galvanised iron and zincalume are not permitted.

10. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:

- a **Pier holes** (if any), before concrete is poured,
- b **Footings**, with reinforcement in place before pouring of concrete,
- c After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
- d Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
- e Before all walls, floors and ceilings required by the BCA to have a **fire resistance level** are enclosed, and before covering of fire/smoke protection at service penetrations and the junctions of fire resisting construction in buildings containing sleeping accommodation,
- f Before all walls, floors and ceilings required by the BCA to have a **sound insulation** requirement are enclosed,
- g **Plumbing work** prior to covering/lining walls,
- h **Sewer drainage** work prior to back filling/lining,
- i Before covering **waterproofing in any wet areas**,
- j Before covering any **stormwater drainage** connections,
- k After reinforcement is in position and before pouring of any **structural element (including pool coping) of a swimming pool**,
- l After the pool and pool fencing are completed and **before filling of the pool**,
- m After the **building work has been completed** and prior to occupation.

If any of these inspections are not performed an Occupation Certificate cannot be issued for the building. Inspection bookings can be made online at [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au) <<http://www.clarence.nsw.gov.au>> until midnight on the day before the inspection. The Construction Certificate or Complying Development Certificate number must be provided when booking an inspection.

11. All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998". Agricultural Lime must be applied (and incorporated into the soil) at a rate of 50kg/m<sup>3</sup> of soil. Works are to be undertaken in accordance with an acid sulfate soils management plan approved by council prior to commencement of works.
12. The class 4 building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
13. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 3.01 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority.
- a In the case of timber floors, on completion of the floor framing;
  - b In the case of concrete slabs when formwork is in place but prior to pouring concrete.

This certificate is to be provided by a Registered Surveyor. No further work is to be carried out on the building until such certificate is provided to the Principal Certifying Authority.

14. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.

15. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.

16. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.

17. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.

- a Work Health and Safety Act 2011 and associated regulations
- b SafeWork NSW Code of Practice - How to Safely remove Asbestos.
- c Australian Standard 2601 (2001) – Demolition of Structures
- d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

A copy of Council's Asbestos Policy is available on Council's web site at [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au) or a copy can be obtained from Council's Customer Service Centres.

18. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- a The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor
- b Details of hazardous materials, including asbestos
- c Method/s of demolition and removal of asbestos
- d Measures and processes to be implemented to ensure the health & safety of workers and community
- e Measures to be implemented to minimise any airborne asbestos and dust
- f Methods and location of disposal of any asbestos or other hazardous materials
- g Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- h Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifier (PC) if the Council is not the PC, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

**Note** it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

19. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

20. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
21. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied
22. The installation and maintenance of the swimming pools child resistant barrier shall comply with the requirements of the Swimming Pools Act 1992 and AS1926.1 2012 and be fitted with a self-closing, self-latching, outward opening gate prior to filling the pool with water. No plantings or climbable items shall be positioned within the 900mm non-climb zone (NCZ) on the outside of the pool fence or within the 300mm NCZ on the inside of the pool fence.
23. Any external pool lighting is to be positioned and/or shielded to prevent a glare nuisance.
24. The swimming pool/spa pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - a) before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
  - b) before 7.00 am or after 8.00 pm on any other day.
25. Temporary fencing that complies with AS 1926.1 shall be provided around the pool if the permanent fencing cannot be installed before the pool is filled.
26. The swimming pool water recirculation and filtration system must comply with AS 1926.3-2010. The installation contractor shall provide Council with an Installation Certificate attesting to the products being selected and installed in accordance with the requirements of that standard.
27. The Principal Certifier shall be notified for the purpose of a final inspection of the pool and fencing as soon as possible after installation and before use of the pool.
28. The swimming pool waste water is to be disposed of to the sewer via a surcharge gully with a minimum 100mm air gap between the waste outlet and the top of the gully surrounds.
29. An approved CPR and pool safety sign is to be provided within the pool enclosure in accordance with the requirements of the Swimming Pools Act 1992 prior to the final inspection.
30. The pool shall be registered on the NSW Swimming Pool Register at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) before issue of an Occupation Certificate.
31. The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:
  - a) bears a notice containing the words "This swimming pool is not to be occupied or used", and
  - b) is located in a prominent position in the immediate vicinity of that swimming pool, and
  - c) continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.
32. All building work shall be constructed wholly within the boundaries of the property and this shall be detailed on the construction certificate plans. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
33. All new works shall comply with the Local Government (manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

34. Any modification or extension to the existing fire hydrant system or fire hose reel system to achieve coverage shall have the design certified by a competent fire safety practitioner prior to the commencement of works on the relevant fire safety system.
35. The proposed extension and construction of covered decks for the 12 existing riverfront cabins is not part of this approval.
36. All construction below 3.01m AHD shall be flood compatible building components.
37. The energy efficiency requirements in Section J of the Building Code of Australia apply to the office building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Section J
38. A schedule of all external finishes and colours, sympathetic to the significance and setting of the Heritage Item and its coastal site, in accordance with the provisions of the Clarence Valley LEP 2011 and DCP 2011, are to be submitted to, and approved by Council prior to release of the Construction Certificate.
39. A landscape plan, prepared by a person competent in the field, detailing vegetation screening of the caravan park sites along the Harbour Street frontage and perimeter fencing, is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall as well as indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.
40. For Remediation works a Remediation Action Plan must be reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme for approval prior to remediation works commencing.
41. A subsequent Validation Report must be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme shall be submitted to Council after completion of remediation of the site. The Validation Report shall confirm that the site is suitable for its proposed use.
42. Attention is directed to the NSW Heritage Act 1977 and the provisions in relation to the exposure of relics.
  - a If a relic is suspected or there are reasonable grounds to suspect a relic in the ground, that is likely to be disturbed, damaged or destroyed by excavation; and/or,
  - b Any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;  
those responsible for the discovery must notify nominated personnel who will in turn notify the Heritage Council of NSW or its delegate the Office of Environment and Heritage and Heritage NSW Heritage Branch and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied. (ss 139,146).
43. A current Flood Emergency Management Plan (FEMP) for the caravan park is to be submitted to Council prior to an issue of an Approval to Operate. The FEMP must demonstrate measures to ensure that the timely, orderly and safe evacuation of people from the park. The FEMP is to be undertaken with consultation with the NSW State Emergency Service.