

DATE OF DETERMINATION	31 August 2022
DATE OF PANEL DECISION	28 August 2022
PANEL MEMBERS	Penny Holloway (Chair), Stephen Gow, Ian Tiley and Peter Johnstone
APOLOGIES	Paul Mitchell
DECLARATIONS OF INTEREST	Greg Clancy declared a conflict of interest as he voted on a Council resolution with respect to this development during his last term on Council, and therefore has a conflict of interest.

Papers circulated electronically on 23 August 2022.

MATTER DETERMINED

PPSNTH-36 – Clarence Valley – DA2020/0220 at 8A Harbour St, Yamba – Calypso Caravan Park (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

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

1. The proposed development is permitted with consent in the SP3 Tourist Zone and the RE1 Public Recreation Zone.
2. The Calypso Caravan Park has been operating continuously for over 60 years. The application will significantly improve the existing and valuable public recreation and accommodation facility by providing new or upgraded cabins, infrastructure and landscaping.
3. The proposal will improve access to the waterfront by providing a 30m wide public access corridor. For this and the preceding reason the proposal will be socially beneficial.
4. The proposal provides for continued satisfactory access to the existing wharf by the Port Authority.
5. The proposal includes removal of potential sources of contamination from the site as well as any necessary remediation and will thus be environmentally beneficial.
6. The Panel notes that negotiations between the Council and Yaegl People about an Indigenous land Use Agreement are underway. The Panel is of the view that in determining the development application the native title rights of the Yaegl people will not be affected.
7. The Panel has considered public submissions and believes that issues raised have been adequately addressed.

8. The Panel believes that approval of the application is in the public interest for the reasons given above.




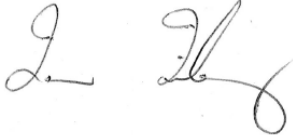
CONDITIONS

The Development Application was approved subject to the conditions in the Council Supplementary Report, dated 23 August 2022.

CONSIDERATION OF COMMUNITY VIEWS

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

- Amenity impacts
- View loss
- Access for Port Authority
- Traffic impacts on Harbour Street
- Location of new entrance
- Native title determination (confidential submission)

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-36 – Clarence Valley – DA2020/0220
2	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.
3	STREET ADDRESS	8A Harbour St, Yamba
4	APPLICANT/OWNER	Clarence Valley Council / Crown Lands NSW Reserve No. 81523 (Council as Land Manager)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No 21—Caravan Parks State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Clarence Valley Local Environmental Plan 2011 Grafton and Lower Clarence Floodplain Risk Management Plan (2014) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Clarence Valley Council Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 8 February 2022 Supplementary report: 15 February 2022 Supplementary report: 13 July 2022 Supplementary report: 23 August 2022 Written submissions during public exhibition: four (4)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 28 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Jim Simmons <u>Council assessment staff</u>: Patrick Ridgway, James Hamilton, Carmen Landers and Ruth Hallett <u>Department staff</u>: Carolyn Hunt and Lisa Foley

- Final briefing to discuss council's recommendation: 16 February 2022
 - Panel members: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnstone
 - Council assessment staff: Patrick Ridgway, Murray Lane, Dr Danny Parkin, Adam Cameron, Carmen Landers, Chris Dear, Scott Whitehouse
 - Department staff: Stuart Withington, Carolyn Hunt, Cameron Brooks

- Submitter Briefing: 16 February 2022
 - Panel members: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnstone
 - Council assessment staff: Patrick Ridgway, Murray Lane, Dr Danny Parkin, Adam Cameron, Carmen Landers, Chris Dear, Scott Whitehouse
 - Department staff: Stuart Withington, Carolyn Hunt, Cameron Brooks
 - Submitters: Helen Orr – solicitor - NTSCORP Limited on behalf of Yaegl Traditional Owners Aboriginal Corporation RNTBC (YTOAC), Dianne Chapman, Bill Walker

Note: Submitter briefing was requested to provide the Panel with clarification on issues raised in submissions

- Applicant Briefing: 16 February 2022
 - Panel members: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnstone
 - Council assessment staff: Patrick Ridgway, Murray Lane, Dr Danny Parkin, Adam Cameron, Carmen Landers, Chris Dear, Scott Whitehouse
 - Department staff: Stuart Withington, Carolyn Hunt, Cameron Brooks
 - Applicant representatives: Peter Birch

Note: Applicant briefing was requested to respond to the recommendation in the council assessment report

- Final briefing to discuss council's recommendation: 20 July 2022
 - Panel members: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnstone
 - Council assessment staff: Randall Evans, Adam Cameron, Patrick Ridgway, Murray Lane and Chris Dear
 - Department staff: Carolyn Hunt and Lisa Foley

- Submitter Briefing: 20 July 2022
 - Panel members: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnstone
 - Council assessment staff: Randall Evans, Adam Cameron, Patrick Ridgway, Murray Lane and Chris Dear
 - Department staff: Carolyn Hunt and Lisa Foley
 - Submitters: Helen Orr – solicitor - NTSCORP Limited, Joe Murphy, NTSCORP Limited and William Walker, CEO at Yaegl Traditional Owners Aboriginal Corporation RNTBC

Note: Submitter briefing was requested to provide the Panel with clarification on issues raised in submissions

- Applicant Briefing: 20 July 2022

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Ian Tiley and Peter Johnstone ○ <u>Council assessment staff</u>: Randall Evans, Adam Cameron, Patrick Ridgway, Murray Lane and Chris Dear ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley ○ <u>Applicant representatives</u>: Peter Birch <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> <ul style="list-style-type: none"> • Site visit: 24 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Ian Tiley and Peter Johnstone ○ <u>Council assessment staff</u>: Patrick Ridgway, Murray Lane, James Hamilton and Chris Dear ○ <u>Department staff</u>: Jane Gibbs • Final briefing to discuss council's recommendation: 24 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Penny Holloway (Chair), Stephen Gow, Ian Tiley and Peter Johnstone ○ <u>Council assessment staff</u>: Patrick Ridgway, Murray Lane and Chris Dear ○ <u>Department staff</u>: Carolyn Hunt, Stuart Withington, Lisa Foley and Mary Francis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Report dated 23 August 2022