

DATE OF DETERMINATION	19 August 2026
DATE OF PANEL DECISION	18 August 2026
DATE OF PANEL MEETING	17 August 2026
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Vince Connell
APOLOGIES	Greg Clancy, Raymond Smith
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 7 August 2026.

MATTER DETERMINED

PPSNTH-480 –Clarence Valley – DA2025/0523 – 8 Villiers Street, Grafton – Alterations and additions to the Clarence Valley Conservatorium including removal of an existing structure, demolition of ancillary outbuildings and signage (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 briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Clarence Valley Local Environmental Plan 2011 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (Height of buildings) is unreasonable or unnecessary in the circumstances because the development is considered compatible development for the land, is a permitted land use and consistent with the subject clause and objectives; and
- there are sufficient environmental planning grounds to justify contravening the development standard as the development will not create undesirable precedents in bulk and scale or cumulative impacts in the area and the development being an important community facility and designed to be compatible with the streetscape and Heritage Conservation Area.

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 uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Amend Condition 1 to update the date of document for the Preliminary Site Waste Minimisation and Management Plan to 'Lodged with Council on 22 December 2025' and add the following document:

Document title	Version	Prepared by	Date of document
Flooding and Acid Sulfate Report	23-143-DB	McKenzie Burrige & Associates	16 September 2025

- Amend Condition 18 to read as follows:

18. Adequacy of Car Parking

Prior to the issue of the Construction Certificate the adequacy of parking, car parks, bicycle parking spaces, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with Parts 1, 3 and 6 of AS2890 (2021). This must clearly demonstrate that the parking area will function as intended and provide for onsite bicycle parking for a minimum of 5 spaces. The parking area plans are to be submitted and approved by Council or accredited private certifier.

Car parking spaces and the shared area shall be delineated in accordance with the requirements of AS 2890, Parts 1 and 6.

The car parking classification is Class 3 and 4 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council Development Control Plan and Northern Rivers Local Government Development Design and Construction Manual. All car parking spaces must be accessible by B99 vehicles.

Note - The applicant should consider the inclusion of an electronic vehicle (EV) charging station or enabling infrastructure within the carpark area. Any installation of an EV charging station must meet the exempt provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021, otherwise a separate development application will be required.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development and Council's Active Transport Strategy.

- Amend Condition 20 to delete the sentences 'Primary, bold, vivid and neon colours are not to be used. Corporate signage is to be restricted to the awning fascia and small areas of the building.'
- Amend Condition 23 to insert at the end of the first paragraph after the word 'Society', the words 'and submitted to Council for approval'
- Insert new Condition 25 which reads as follows and renumber the remaining conditions accordingly:

25. Preparation of construction and fit out plans for food and drink premises

Before the issue of a Construction Certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person and submitted to Council for approval.

The detailed plans must be prepared in accordance with the following:

- Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment
- Food Act 2003* and Food Regulation 2025

Condition reason: To ensure detailed construction and fit out plans submitted comply with the relevant standards.

- Amend now Condition 59 Plan of Management (former Condition 58) to read as follows:

59. Plan of Management

Prior to the issue of the Occupation Certificate, a Plan of Management for the operation of the use shall be submitted to and approved by Council. The Plan of Management must detail

mitigation and management measures of potential social impacts, including (but not limited to):

- a. Detailing hours of operation being between 8.00am and 10.00pm Monday to Sunday. Up to 10 times per year, the facility is permitted to operate beyond 10.00pm for special events provided it does not result in offensive noise being generated. A register is to be kept of events operating beyond 10.00pm for inspection by Council upon request.
- b. Proposed activities schedules including scheduling loud music sessions during the day to reduce impact on neighbours
- c. Implementation of complaints and issues management procedures, including:
 - i. Central location for ensuring all complaints are properly recorded and tracked.
 - ii. Transparent internal complaints management procedure.
- d. Detail the nature and type of food preparation undertaken on-site in association with functions and events.

Condition reason: To protect the amenity of the local area.

- Insert new Conditions 61 and 62, which read as follows and renumber the remaining conditions accordingly:

61. Environmental Health Inspection

Prior to issuing the Occupation Certificate and on completion of fit out, an inspection is to be arranged with Council's Environmental Health Officer to ensure compliance with the approved plans and relevant legislation.

Condition reason: To ensure compliance with approved plans prior to operation.

62. Notice of Food business

Before the issue of an Occupation Certificate, the appropriate enforcement agency (Council or Food Authority) must be notified of the food business in accordance with the *NSW Food Act 2003* and *Food Regulations 2025*.

Condition reason: To ensure ongoing compliance with relevant legislation.

- Insert new Condition 66, which read as follows:

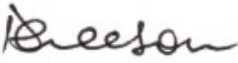
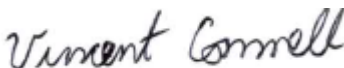
66. Limitations on food preparation during ongoing use

During ongoing use of the premises, food preparation is limited to that outlined in the approved plan of management. Food preparation that generates heated air, smoke, fumes, steam or grease vapours must not be undertaken unless mechanical ventilation has been approved by Council and installed.

Condition reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 Vince Connell

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-480 –Clarence Valley – DA2025/0523
2	PROPOSED DEVELOPMENT	Alterations and additions of the Clarence Valley Conservatorium including removal of an existing structure, demolition of ancillary outbuildings and signage
3	STREET ADDRESS	8 Villiers Street, Grafton
4	APPLICANT/OWNER	Geolink Consulting Pty Ltd Clarence Valley Conservatorium
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Act, 1979 - Environmental Planning and Assessment Regulation, 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Clarence Valley Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Clarence Valley Development Control Plan 2011 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - 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	- Council Assessment Report: 6 August 2026 - Clause 4.6 variation: cl. 4.3 (Height of buildings) of Clarence Valley Local Environmental Plan, 2011 - Written submissions during public exhibition: 0 - Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Applicant Briefing: 17 August 2026 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Vince Connell <u>Applicant representatives</u>: Megan Smith, Brook Blevin, Mark Thompson <u>Council assessment staff</u>: James Hamilton, Murray Lane <u>Department staff</u>: Carolyn Hunt and Holly McCann - Final briefing to discuss Council's recommendation: 17 August 2026

		○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Vince Connell ○ <u>Council assessment staff</u>: James Hamilton, Murray Lane, Carlo Favetta ○ <u>Department staff</u>: Carolyn Hunt and Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report