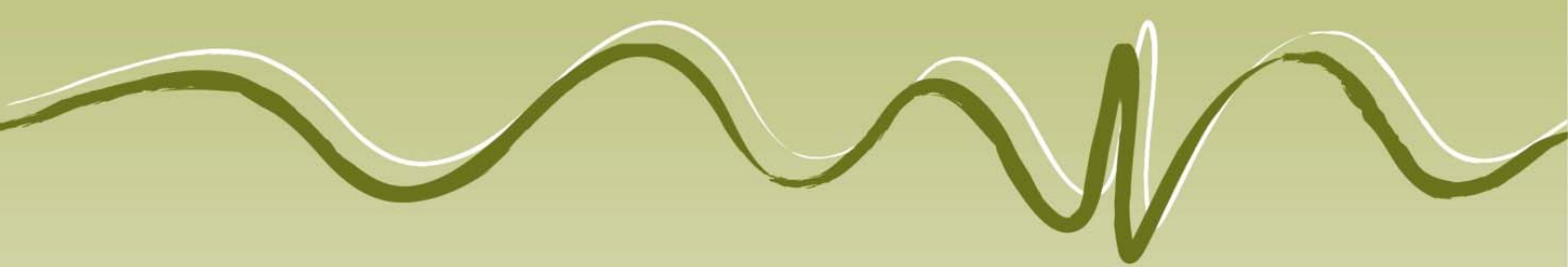


Statement of Environmental Effects

Grafton Regional Gallery Upgrade



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1. Introduction

1.1 Purpose of this Report

GeoLINK has been engaged by DRA Architects to prepare a Statement of Environmental Effects (SEE) to support a Development Application (DA) for an upgrade of the Grafton Regional Gallery (the Proposal).

The purpose of this SEE is to support the DA by:

- Identifying the subject site and its regional context and describing the physical characteristics of the land;
- Providing a detailed description of the Proposal;
- Providing an assessment of the Proposal as it relates to the statutory planning framework; and
- Undertaking a comprehensive environmental assessment of the Proposal.

1.2 Background to the Grafton Regional Gallery

In 1985 the Grafton City Council, with assistance from the Jacaranda Art Society, purchased Prentice House. The Jacaranda Art Society managed the Grafton Art Gallery for two years on a volunteer basis. A grant from the New South Wales Bicentennial Council enabled a restoration of the building and its conversion for use as a regional gallery with all necessary environmental and security controls.

The Grafton Regional Gallery was officially opened in March 1988 with a gallery space in Prentice House, a storeroom, library, meeting room, offices and volunteer and staff room, all administered by the Grafton City Council.

Five trees in the rear gardens of the Gallery were planted to honour five of the founding members of the Jacaranda Art Society in recognition of their work in helping the establishment of the Gallery.


The Jacaranda Art Society presented the Gallery's founding collection, the Jacaranda Art Prize Collection, acquired through the Society's annual prize held from 1961 to 1987 as part of the Jacaranda Festival and donations to the Society.

The Gallery was managed by the Grafton Regional Gallery Management Committee and administered by the Grafton City Council and was a member of the Regional Galleries Association of New South Wales.

The Friends of the Gallery was established in 1988 and plays an active and supportive role in the development of the Gallery. Stage II built in 1991 saw the addition of the Second Gallery and a Collection Room at the rear of the building and the Courtyard Cafe leasing the kitchen and courtyard area for day trading.

Extensive additions of Stage III were completed in September 1999. The Second Gallery was converted into the Collection Room and the Main Gallery, the Loft Gallery, the Studio Space and new office spaces were provided, centred around the courtyard. This significant refurbishment to the Gallery and its programs enabled the Gallery to offer a greater range of services. Georgie's at the Gallery leased the cafe and restaurant area offering day and night trading.

The four councils of the Clarence Valley were amalgamated into the Clarence Valley Council in March 2004 and the Gallery is now administered under the Community and Cultural Services Directory.



The Grafton Regional Gallery holds the largest collection of artworks on the North Coast of New South Wales and continues to develop its vibrant collections. The Gallery presents over 40 exhibitions and 70 programs and events each year. It is an outstanding public gallery reflecting the passion for the visual arts held by the community of the Clarence Valley.

1.3 Further Information

Should any clarification or additional information be required with regard to this report, please contact **Simon Waterworth** or **Jacob Sickinger** of **GeoLINK** on **simonw@geolink.net.au** or **02 66517666**.



2. The Site and its Context

2.1 Cadastral Description

The proposed redevelopment is to occur within a site comprising the existing Grafton Regional Gallery and an existing house lot immediately to the rear and adjacent to the exiting Gallery. These lots are described as Lot B DP 359677 and Lot 3 DP38033 and have street addresses of 158 Fitzroy Street and 5 Robinson Avenue, Grafton, respectively. The two lots would be consolidated prior to commencement of the Proposal. The site is shown in **Illustration 2.1**.

2.2 Site Context

2.2.1 Local

The site is located within a predominantly residential area on the fringes of the central business district (CBD) of Grafton. The site is immediately adjacent to residential houses and apartments (to the east, west and north) with residential and commercial buildings across the street (Fitzroy Street) to the south-west. A locality plan is shown in **Illustration 2.2**

2.2.2 Regional

Grafton is a city located within the Clarence Valley, Northern NSW. It is located approximately 630 km north of Sydney and 340 km south of Brisbane. The nearest regional cities are Coffs Harbour which is 85 km south and Casino which is 100 km to the north.

2.3 Site Analysis

Illustration 2.1 shows the site as it exists at present with existing buildings and infrastructure, surrounding street network and adjoining land uses. The site comprises an L-shaped lot (approximately 2,220 m²) on which the existing gallery is located and a rectangular lot (approximately 640 m²) immediately to the rear and adjoining the Gallery site on which an existing house is located. Total site area is approximately 2,860 m².

The site is relatively flat, with elevations of approximately 5.1 to 5.5 m (across areas of the site that have no existing structures). Built form on the site varies in age and architectural style. Building heights vary between one and two stories. The existing gallery faces south onto Fitzroy Street and has parking at the rear, to the east of the existing gallery building; the parking is accessed via a driveway directly east of the Gallery connecting to Fitzroy Street. A lane to the rear of the existing residences that lie to the east of the Gallery exists between the parking area on the site and Fitzroy Street. The site (including both lots) is subject to Class 4 Acid Sulfate Soils and is flood prone.

Adjoining land use to the east of both lots comprises single storey detached houses. West and north (across the street on Robinson Avenue) of the site, land use comprises single storey detached houses and west of the Gallery building there is a one to two storey apartment building. There are residential and commercial buildings (including a dental surgery) across the street (Fitzroy Street) to the south-west of the existing gallery.

The site is currently connected to services including, water, sewer, stormwater, electricity and telecommunications. Services will require alterations and connections to support the Proposal. An existing sewer line that transects the rear of Lot 3 DP38033 has a three metre wide easement in place which generally prohibits built structures within the easement. This will be relocated within the site to the northern boundary to avoid the development footprint.

The site contains minimal amounts of vegetation, which is generally limited to grass areas and a modest number of ornamental garden plantings on both lots.

The Grafton Regional Gallery is a listed heritage item under the Clarence Valley Local Environmental Plan (CVLEP) 2011 (I102) and the overall site falls within the general Grafton Heritage Conservation Area (refer to **Plate 2.1**). The dwelling at 5 Robinson Avenue is not a listed heritage item.

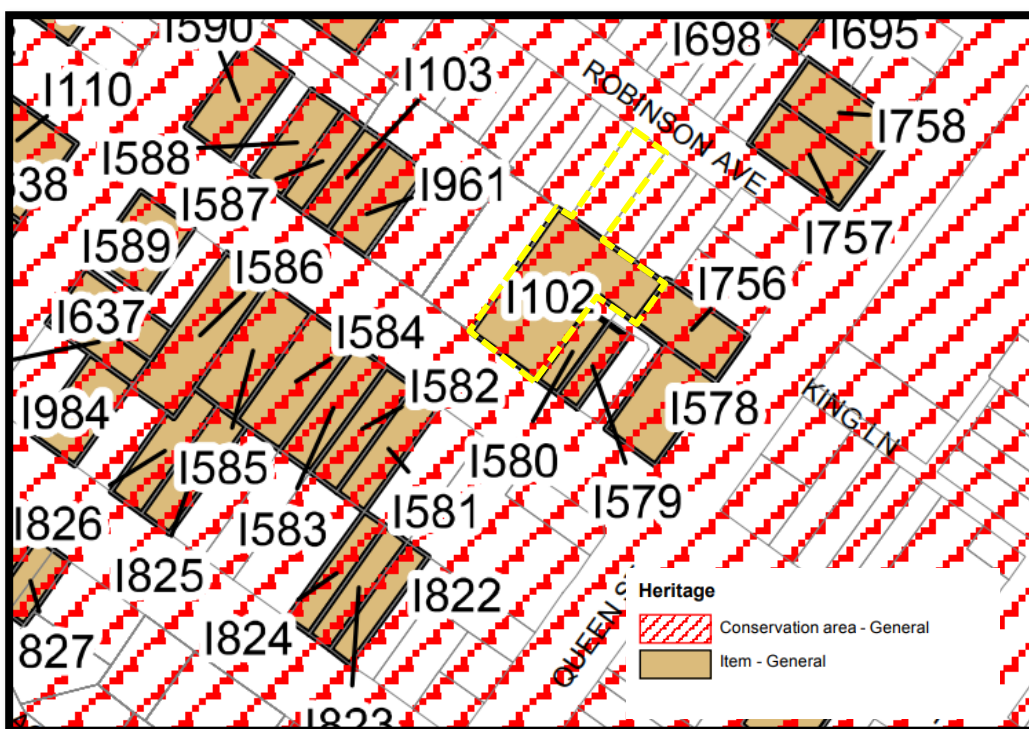


Plate 2.1 CVC Heritage Map (site outline in yellow dash)



LEGEND

- Site boundary
- Lot

0 20



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Statement of Environmental Effects - Grafton Regional Gallery Upgrade
3145-1007

The Site

Illustration 2.1



OpenStreetMap (and) contributors, CC-BY-SA

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Locality Plan

Illustration 2.2



3. The Proposal

3.1 Need for the Project

The proposed upgrade of the Gallery aims to revitalise and expand the Grafton Regional Gallery to create a world-class exhibition space and provide essential flood protection for the art collection housed by the Gallery.

3.2 The Proponent and Project Team

This SEE has been prepared for DRA Architects on behalf of Clarence Valley Council (CVC) and the Grafton Regional Gallery (the Proponent). GeoLINK was engaged for town planning services, including preparation of the SEE. A number of other consultants, including architecture, engineering and heritage, formed part of the project team.

3.3 Project Description - Overview

This SEE has been prepared to assess the proposed upgrade, alterations and additions to the Grafton Regional Gallery.

The Proposal includes the following:

- Demolition of existing dwelling (and in-ground pool) to the rear of the existing gallery (on Lot 3 DP 38033).
- Demolition of small shed, tree, and gate on the existing gallery lot (Lot B DP 359677).
- Remove western driveway to Fitzroy Street and replace crossover with new kerb and gutter. Introduce new seating and landscaping for café in place of removed driveway.
- Upgrade of existing gallery building to provide for:
 - Upgraded toilet and kitchen areas
 - New studio / workshop
 - New exhibition space
 - Upstairs storage area.
- Two-storey addition of gallery building onto rear lot (on Lot 3 DP 38033) to contain additional gallery space and art storage facilities. A lift and stair case will allow second storey access and a plant room is included on the first floor.
- Small addition to east of the existing building (within Lot B DP 359677) to provide delivery area and storage space (including bin storage and garden shed). Above is a plant area with acoustic screen.
- Small first floor addition to existing gallery building to connect to first floor of addition.
- Small ground floor addition to existing gallery building for toilets.
- Additional parking (within existing parking area east of gallery building and two additional car parks at rear of proposed addition, accessed from Robinson Street).
- Adjustment of services including relocation of sewer line to the northern boundary of the site.
- An internal walkway would allow internal access between the existing building and proposed addition.
- Installation of solar panels.
- Installation of new gates.
- Introduction of an on-street accessible parking space and loading zone.

A set of architectural plans, plus proposed landscape plans, are attached as **Appendix A**.

3.4 Description of Additions

The Proposal involves a main addition to the rear of the existing gallery building, along with three smaller additions to the existing built form at the ground and first floors. The location of the new works is shown on the plans provided as part of **Appendix A**.

3.4.1 Design Response

The proposed works involve construction of alterations and additions, including refurbishments to the Grafton Regional Gallery. The existing building presents a two-storey historical form to Fitzroy Street, with single storey forms to the rear.

The Proposal involves single and double storey additions, including additions at the first floor of the existing building.

DRA Architects have prepared a design in response, based on contemporary needs for the Gallery, whilst also be complementary to the existing surrounding heritage character of the locality. The building has been designed to be simple, yet appealing and sympathetic to the surrounding built environment. The design response also reinforces that the building is a civic/ community facility. It does not replicate but is sympathetic to the local heritage character.

3.4.2 Building Character and Materials

Given the context of the existing built environment and local character, the building additions have been designed integrate into the existing built form, without being highly visible from the principal street frontage of Fitzroy Street. The architectural elements respond to contemporary interpretations of the existing materials and context, whilst the materials remain simple and suitable for a civic building identify, without detracting from the streetscape and conservation area. The colours of the additions have been selected to complement the existing building's materials and appearance.

The additions are restrained in scale and seamlessly integrate into the existing built form. Hipped roof forms are consistent with the character of the site and surrounds. The rear addition has been suitably designed for its purpose and context as being the rear or secondary frontage to Robinson Avenue. The rear addition's articulation and minimalist window arrangements are acceptable in this context, given this element is not the primary public frontage/ entry nor directly visible in the context of the existing building's heritage fabric. Its design response is suitable as it forms the rear of the main gallery building, whilst providing adequate design detail to suitably respond to a street frontage.

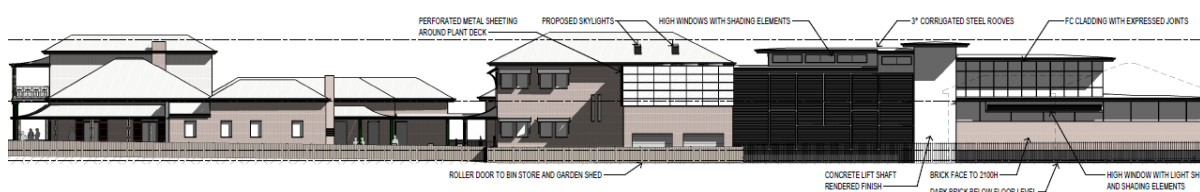


Plate 3.1 East Elevation

Source: DRA Architects

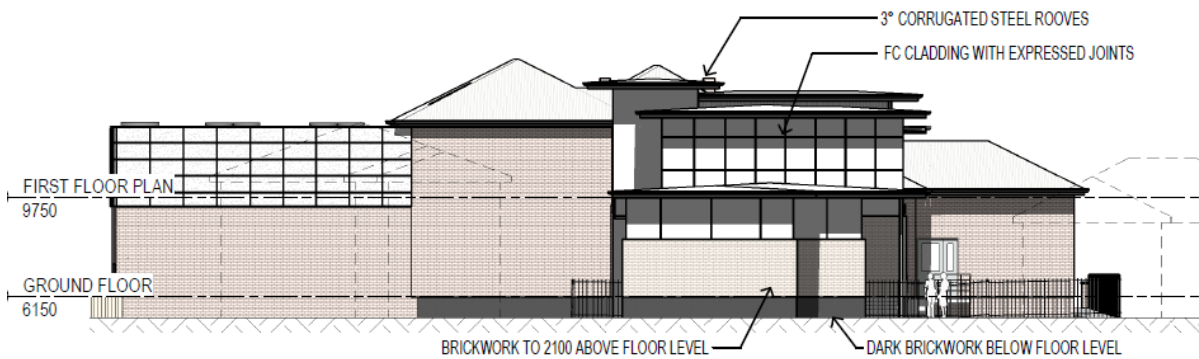


Plate 3.2 North (Robinson Ave) Elevation

Source: DRA Architects

3.4.3 Building Height, Setbacks, Floor Levels and Gross Floor Area

The proposed additions range between single and double storey in height. At its maximum height, the new building additions will be approximately (but not exceed) nine metres above natural ground level.

The proposed alterations and additions have the following setbacks (refer to plans at **Appendix A**):

- Addition to toilets: setback 1.7 m from the west boundary.
- Delivery, storage and shed addition: setback 12.74 m from east boundary, a minimum of 10.33 m from south boundary and 0.51 m from the north boundary.
- Main gallery rear addition: setback 6.11 m from north boundary, between 1.57 m and 2.07 m from east boundary, and between 3.01 m and 3.57 m from the west boundary.

The gross floor area (GFA) is as follows:

- Existing GFA = 529 m²
- Proposed increase in GFA= 506 m²
- Final proposed GFA = 1035 m².

3.5 Construction Works

The Proposal will be constructed in a single stage, and will include the following key components:

- Establishment of construction site and site preparation
- Demolition of dwelling (and small structures on front lot)
- Relocation of sewer line
- Tree/ garden trimming and garden removal
- Upgrade of existing building and construct additions
- Service and utility connections
- Replacement of existing driveway with landscaping and seating
- Improved street parking and footpath access on Fitzroy Street (including driveway removal, new kerbing, disabled parking and loading zone).



3.6 Use and Operation

The Proposal involves part demolition and alterations and additions to the existing Grafton Regional Gallery. The following is an overview of the use and operation:

- The Gallery operates daily 10.00 am to 4.00 pm. Some events result in the Gallery operating in the evening, with the latest until 11.00 pm (this is not frequent).
- Approximately 15 evening events, and 100 other events occur throughout the year, on average nine events per month.
- Current daily visitation is approximately 150 patrons (includes café). This is generally spread across the day. The abovementioned occasional events can attract larger patronage.
- The Gallery includes a food and drink premises (café). Operating hours generally align with the Gallery; however, it may also operate in the evening, anticipated until 11.00 pm at the latest. The café currently provides seating in the main central courtyard. A new deck is proposed in this courtyard and seating is proposed in the front setback adjacent to the western boundary.
- Waste collection is via Council's kerbside collection service with red, green and yellow bins. The Gallery will use the kerbside collection service in Robinson Avenue for one red, one yellow and one green bin and the rest of the bins will be collected in Fitzroy Street. Total of 15 wheelie bins – six red, six yellow and three green bins are proposed.

3.7 Access and Parking

The site currently supports approximately eight informal parking spaces.

Under the proposed upgrade, 12 formalised parking spaces are provided on-site (10 public spaces in the main car park accessed from Fitzroy Street and two staff spaces accessed from Robinson Avenue).

Due to removal of a redundant driveway and reinstatement of the kerb, one on-street parking space will be gained.

Every seven to eight weeks there is an exhibition delivery of approximately one to two trucks and one to two cars. Shop and material deliveries occur on average one truck a month. Café deliveries typically occur weekly.


A variation to the technical parking rate required by the Clarence Valley Residential Zones Development Control Plan (DCP) is required. This is addressed in **Section 5.1**.

3.8 Landscaping

A small area of landscaping exists at the frontage and along the side boundary.

A detailed landscape plan has been prepared (refer to plans at **Appendix A**) and proposes improvements to and additional landscaping. This includes:

- Refurbishment of front garden, with new paths and utilising the majority of existing species and replicate the existing planting style;
- Landscaping around café seating in front setback, including seating, plantings and trellis screening;
- Internal courtyard landscaping improvements;

- 
- Landscaping side ally way along western boundary of the new rear addition, including pathway, seating, planting and trellis system for screening;
 - Soft-landscaping and garden to Robinson Avenue.

3.9 Utility Connections/ Adjustments

Existing services and utilities are available at the site and can service the Proposal. The sewer line, internal to the site, would be relocated along the northern boundary as part of the works.

The proposed scope of works will involve an increase in impervious area. Stormwater management measures discussed at **Section 6.11.1** would address this.

3.10 Project Value

The capital investment value for the project is approximately \$5.5 million.



4. Statutory Planning Considerations

4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A) Act is the primary legislation for environmental planning in NSW. It establishes the legislative framework that governs land use, development assessment and decision making. The EP&A Regulation (2000) (EPAR) creates the required administration and allocates roles and responsibilities for land use and assessments. This section summarises the relevant policies and plans that are required to be considered by Council under Section 4.15 of the EP&A Act.

4.2 Local Environmental Plan

Name: Clarence Valley Local Environmental Plan 2011 (CVLEP 2011).

Zone: The subject land is zoned R1 General Residential.

Permissibility: The Proposal is alterations and additions, including part demolition, to an existing use/building known as the Grafton Regional Gallery. As confirmed at Council's Development Management Unit (DMU) the use can be defined as a Community Facility, which is permissible with consent in the R1 General Residential Zone under the CVLEP 2011.

The CVLEP 2011 defines community facility as *a building or place:*

- (a) owned or controlled by a public authority or non-profit community organisation, and*
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,*
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*


The Proposal is consistent with the objectives of the R1 zone being a land use that provides facilities for the needs of residents, including cultural development or welfare of the community.

4.3 Planning Controls

The following provisions of CVLEP 2011 are applicable to the consideration of the subject Proposal.

Clause 4.3 Height of Buildings

Height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The height control on the map specific to the site is nine metres. It is noted that the existing building exceeds nine metres in height above ground level. The proposed new additions would not exceed the nine-metre height control (measured from the corresponding ground level below



the additions) and are compatible with the scale of existing development on the site and the surrounding land use and built form character.

Clause 4.4 Floor Space Ratio

The CVLEP 2011 does not adopt provision regarding floor space ratio. Nonetheless, the footprint and floor area of the Proposal is acceptable within the land use context of the locality and the subject site.

Clause 7.1 Acid sulfate soils

The site is mapped as being subject to Class 4 Acid Sulfate Soils (ASS). The CVLEP at clause 7.1 (Acid Sulfate Soils) outlines requirements for development consent for the carrying out of works described in the table to this subclause (replicated in Section 5.11.2) on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. The Proposal would involve excavation and soil disturbance for levelling and foundations, amongst other things. On this basis and given the area is identified as Class 4 Acid Sulfate Soil an Acid Sulfate Soil Management Plan will be required if works are more than two metres below the natural ground surface or for works by which the watertable is likely to be lowered more than two metres below the natural ground surface. Refer to Section 5.11.2 for further assessment of acid sulfate soils.

Clause 7.3 Flood planning

The site is subject to the 1:50, 1:100 and extreme flood events according to the Council mapping.

Given the footprint of the proposed development is flood prone, the building has been designed in response to flood planning requirements and the flood management controls in Council's DCP.

The Proposal's satisfactorily demonstrates that it would be acceptable and adequately responds to flooding planning requirements, including key elements of Council's DCP. Refer to **Section 5.10** for an assessment of flooding in regard to the Proposal.

4.4 Development Control Plan

Clarence Valley Council has a number of DCPs according to land use zones. Applicable to the R1 General Residential Zone is the Residential Zones DCP 2011. The DCP supports the provisions of CVLEP 2011 and provides a set of development objectives and provisions for development within Clarence Valley LGA. The various provisions of the DCP 2011 have been considered in the design and assessment of the Proposal in this SEE.

The flood management controls and stormwater policy from the relevant parts of the DCP 2011 have been considered. Given the inner urban area and that existing built form exists on-site, the development is not expected to significantly impact flood regimes. Materials below flood level are flood compatible.

The Proposal is considered to be generally consistent with the provisions of DCP 2011, as applicable to development in the R1 General Residential Zone.

Parts of the DCP applicable to the Proposal are addressed below.

Part C – General Development Controls for Residential Zones

Table 4.1 details provisions of Part C of DCP 2011 that apply to the Proposal.

Table 4.1 DCP 2011 Part C Assessment

Section Heading	Requirement	Comment / Compliance
C4. Streetscape Requirements		
C4.1 Presentation to the Street	<p>New development should face the street. Long walls should be broken into sections by the use of bay windows, verandahs, balconies or wall offsets. This should create a balance between areas of solid wall and openings such as doors and windows. The main entry to a building should be visible from the street to convey a sense of address.</p> <p>Garages should not visually dominate the street frontage. They should preferably be set back behind the front facade of the dwelling or suitably screened.</p>	<p>Yes.</p> <p>The development includes design features such as:</p> <ul style="list-style-type: none"> ■ The Proposal is for a gallery and public building. There is adequate use of windows and glazing proportions, with appropriate 'solid to void' ratios. ■ Varying materials between ground and first floor 'break up' mass. ■ No change to the main entry is proposed and a good sense of address is retained. ■ The rear addition acceptably presents to Robinson Avenue given the nature of the layout and use of the building. It suitably presents to this secondary street frontage, despite being the rear of the building. <p>It is considered that the Proposal would not have a significant impact on the character of the locality, in terms of scale, bulk, form, proportions and materials and suitably presents to the street.</p>
C4.2. Setbacks	Setbacks should provide sufficient space for landscaping and allow for the retention of existing vegetation where possible.	<p>Yes.</p> <p>The additions are adequately setback from the boundaries of the site and provide for acceptable articulation and visual relief, are similar to the pattern of setbacks found in the area, and landscaping is proposed as per landscape plans.</p> <p>Visual amenity is addressed in Section 5.5.</p>
C4.3. Heritage	New development near heritage buildings and in heritage conservation areas should be sympathetic in design and should not detract from the existing streetscape character.	<p>Yes. A Statement of Heritage Impact has been prepared and heritage matters are addressed in Section 5.8. The assessment concluded that the Proposal is considered to adequately sympathetic to the heritage item found of site (the existing building to Fitzroy Street –</p>

Section Heading	Requirement	Comment / Compliance
		"Prentice House") and the general conservation area.
C4.4 Building Height	For most areas the maximum height of buildings is restricted to 9 metres. Both LEP and DCP height restrictions apply. In most areas where residential flat buildings are permitted and a maximum height limit of 12 metres applies, the streetscape will change over time.	Yes. The Proposal complies with the maximum building height.
C4.6. Roofing	<p>Variation in roof forms is encouraged to add interest to the streetscape.</p> <p>In established areas roofs should be compatible with the pitch, materials and colour of roofs of surrounding development. This helps to maintain the character of the street but does not necessarily require all roof lines to look exactly the same.</p> <p>However, zincalume and white colorbond roofs will not be permitted where reflectivity and glare are a potential problem to adjoining residences. Where a metal roof is proposed colour, details are to be submitted with a DA.</p>	The roof design of the additions is pitched and of an appropriate material and colour to complement and be sympathetic to the heritage character of the existing building to Fitzroy Street (Prentice House) and the broader conservation area.
C4.7. Fences and walls	Front fences and walls should be compatible with the character of the locality.	Yes. The front fence is compatible with local character.
C4.8. Landscaping	<p>Landscaping provides an effective 'softening' of the hard edges of buildings and can be used to reduce the bulk and visual impact of development.</p> <p>Significant trees should be retained and incorporated into the landscaping. Landscaping should enhance the natural vegetation that surrounds the site. Existing vegetation and landscape elements, such as significant trees, rock formations and water courses should be considered and integrated with the landscape design.</p>	Yes. A landscaping plan has been developed and provided with the DA. The design is an appropriate response for the site and land use context and will have a positive outcome.
C5 Building Design Requirements		
C5.1. Siting	Building design should take advantage of the sub-tropical climate, provide for views, provide outdoor living areas and provide protection from sun and rain. For example, the positioning of living rooms, balconies, windows and outdoor living areas should respond	The Proposal is for additions to the existing gallery and has been designed in response to the purpose and function of the building, the existing site layout and orientation constraints, and to achieve acceptable levels of energy efficiency.


Section Heading	Requirement	Comment / Compliance
	directly to views, breezes, sunlight and privacy.	
C5.2 Cut and Fill	<p>The maximum height for cut and fill is 1.2 m above or below the existing ground level, except where the cut and fill is incorporated into the design of the building.</p> <p>On steeper sites an excavation above 1.2 m can be approved where it will be retained by the wall of the proposed building, e.g. under floor garage.</p> <p>Council may consider a variation to the 1.2 m requirement, where an adequate area is available for battering and benching the cut area.</p> <p>In all cases adequate provision for surface and subsurface water drainage shall be made. Retaining walls shall be set in from boundaries so that agricultural pipes and crushed stone backfill can be wholly located within the subject property and surface water is not dammed or concentrated onto adjoining properties.</p> <p>Cut and fill must be approved by Council in conjunction with the DA. Full details of all proposed earthworks must be clearly indicated on plans and section drawings.</p>	<p>Construction of the new facility would require stripping of the topsoil and foundations; however, significant earthworks are not expected, and ground disturbance would be localised. The design of the building is aimed at reducing the amount of material being removed from the site. Refer to plans at Appendix A.</p>
C5.3. Energy Efficiency	The NSW Government Building Sustainability Index (Basix) covers most new residential development and is being phased in to cover alterations and additions.	This (BASIX) applies to residential buildings. The Proposal is a Community Facility. It has been designed in response to the functional needs of the building, constraints of the existing lot layout/orientation and to achieve reasonable energy efficiency.
C5.4. Materials and colours.	<p>The existing character of an area will often determine what colours and building materials are most appropriate, e.g. lightweight materials and lighter colours may be more appropriate in coastal areas, while the use of traditional materials, such as timber cladding and corrugated metal roofs may be more appropriate in older areas.</p> <p>However, zincalume and white colorbond roofs will not be permitted where reflectivity and glare are a potential problem to adjoining residences. Where a metal roof is</p>	<p>The colours and material selection for the additions are appropriate given the purpose of the building and respond to the local heritage character and general built form context. Refer to the visual and heritage assessments at Sections 5.5 and 5.8 for further detail.</p>

Section Heading	Requirement	Comment / Compliance
	<p>proposed colour, details are to be submitted with a DA.</p> <p>Brickwork incorporating very strong colours or strong contrasts in colour should be limited to architectural details, i.e. trims, window surrounds and string courses. Details of colours must be submitted with a DA for residential flat buildings and multi dwelling housing.</p>	
C5.7. Privacy	Direct overlooking of living areas of adjacent dwellings should be avoided by building layout, location and design of windows and balconies, screening devices and landscaping.	The additions have taken into account the surrounding residential land uses and the design suitable responds to privacy and avoid direct overlooking, through floor layout, highlight windows, landscaping and boundary trellis treatments.
C6. Consideration of the NSW Coastal Policy and NSW Coastal Design Guidelines	<p>Development in the coastal zone must comply with the principles of the NSW Coastal Policy.</p> <p>Clause 5.5 Development within the coastal zone in Clarence Valley LEP 2011 requires consideration of a number of matters related to access, impacts on coastal processes and the scenic and visual impacts of proposed development in the coastal zone before granting consent to development.</p>	<p>The <i>Coastal Management Act 2016</i> and Coastal Management SEPP 2018 (CM SEPP) define and regulate the NSW coastal zone and associated environments.</p> <p>The Proposal occurs in the Coastal Environment Area as defined under the SEPP. An assessment is provided in Section 4.5. No adverse impacts to the features of Coastal Environment Area would occur and the development is acceptable in the context of these considerations.</p>

C13 Building Height


C13.1	C13.1. A maximum building height applies to all development of land in the R1 General Residential, R2 Low Density and R3 Medium Density residential zones. Clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011 detail these controls.	Provisions of the CVLEP 2011 Height of Buildings Map state a height control of nine metres. The proposed height complies and is compatible with the scale of existing development on the site and the surrounding land use and built form character.										
C13.2. Maximum top plate height of buildings.	<p>Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE C4.</p> <table><tr><th colspan="2">TABLE C4</th></tr><tr><th>Maximum height of building metres</th><th>Maximum height to the top plate of building metres</th></tr><tr><td>6.5</td><td>4</td></tr><tr><td>9</td><td>6.5</td></tr><tr><td>12</td><td>9.5</td></tr></table> <p>The top plate building height is measured from ground level (existing)</p>	TABLE C4		Maximum height of building metres	Maximum height to the top plate of building metres	6.5	4	9	6.5	12	9.5	<p>Varies because of varying roof heights but the tallest roof over the lift has a top plate of 8.6 m approximately. The next lowest roof has a top plate of 8.3 m. The top plate height over the Collection and Storage is 7.5 m and the top plate height over the Tall Gallery is seven metres.</p> <p>A variation to the DCP requirement in Table C4 is considered to be acceptable given the purpose and design of the building additions (for a public gallery). The development has been designed to cater for the Gallery’s functional needs whilst also being adequately</p>
TABLE C4												
Maximum height of building metres	Maximum height to the top plate of building metres											
6.5	4											
9	6.5											
12	9.5											

Section Heading	Requirement	Comment / Compliance								
	to where the roof beams meet the top plate.	sympathetic to heritage character and reasonably responding to residential amenity.								
C16 Setbacks										
16.1, 16.2, Setbacks	<p>Setbacks are required to meet the following objectives:</p> <ul style="list-style-type: none">■ sufficient separation of buildings to provide privacy and sunlight access for neighbouring dwellings■ buildings setback from the street to provide adequate space for landscaping, privacy and an attractive streetscape.■ a design that reduces the apparent bulk of the new buildings. <p>C16.2. In the R1, R2 and R3 zones minimum setbacks are as follows:</p> <ul style="list-style-type: none">■ Front - 6 metres■ Side and rear- as set out in the TABLE C5 below, unless zero setback provisions are to be used. <table><caption>TABLE C5</caption><tr><th>Maximum height metres</th><th>Side & rear setbacks Distance to wall</th></tr><tr><td>6.5</td><td>900mm</td></tr><tr><td>9</td><td>1.5 metres</td></tr><tr><td>12</td><td>3 metres</td></tr></table>	Maximum height metres	Side & rear setbacks Distance to wall	6.5	900mm	9	1.5 metres	12	3 metres	<p>The proposed alterations and additions have the following setbacks (refer to plans at Appendix A):</p> <ul style="list-style-type: none">■ Addition to toilets: setback 1.7 m from the west (side) boundary.■ Delivery, storage and shed addition: setback 12.74 m from east (side) boundary, a minimum of 10.33 m from south (front) boundary and 0.51 m from the north (rear) boundary.■ Main gallery rear addition: setback 6.11 m from north (rear/secondary frontage) boundary, between 1.57 m and 2.07 m from east (side) boundary, and between 3.01 m and 3.57 m from the west (side) boundary. <p>In response to the DCP setbacks, the Proposal:</p> <ul style="list-style-type: none">■ Complies with the front setback requirement.■ Complies with the front (being the rear/ secondary frontage in this instance due to site having two frontages) setback to Robinson Avenue.■ Complies with the side setbacks for the east and west boundaries based on a maximum height of nine metres.■ Does not comply and requires a variation for the rear setback of the addition comprising the delivery, storage and shed area, and roof plant. This structure, including acoustic louvers and perforated metal screening around the plant platform, has a height of approximately seven metres (to the top of plant platform screen) and a setback of 0.51 m from the adjoining boundary. Although only 0.5 m above 6.5 m, according to Table C5 of the DCP, a variation of 0.99 m is therefore required for a height over 6.5 m and up to nine metres.
Maximum height metres	Side & rear setbacks Distance to wall									
6.5	900mm									
9	1.5 metres									
12	3 metres									



Section Heading	Requirement	Comment / Compliance
		The variation is discussed below in response to C17.5 (Variation to side and rear setbacks). Overall, the setbacks are considered appropriate, provide for adequate articulation, do not result in significant or unreasonable amenity impacts, and satisfy the DCP objectives.
C16.4. Setbacks from Services	<p>Buildings should not be built over any registered easement, sewer main or water main.</p> <p>All buildings should be setback a minimum of 1.5 m from any sewer main that is less than 1.5 m. Where the sewer is between 1.5 m and three metres deep, the minimum setback for buildings should be 2.5 m. Where the sewer is greater than three metres deep, the minimum setback for buildings will be determined by Council staff following an assessment of maintenance and access requirements.</p>	An existing sewer line transects the rear of Lot 3 DP 38033. This sewer will be relocated to along the northern boundary to avoid the development footprint. As a result, the development would not build over a registered easement, sewer main or water main. This requirement and the objectives are satisfied.
C17.5. Variation to side and rear setbacks	Variation to side and rear setbacks will be considered on merits if a better development outcome or clear advantages in other aspects of the design are achieved with regard to overshadowing and overlooking. Compensatory setbacks elsewhere in a development will be considered in granting variation to side and rear setback requirements	<p>The proposed setbacks (referenced above in response to 16.1 and 16.2 - Setbacks) are considered appropriate for the context of the site and nature of the land use. They balance the design response and functional layout of a community/ civic building within a broader inner-urban residential context. The proposed building would not result in adverse bulk and would not dominate the streetscape or adjoining properties.</p> <p>Amenity impacts are discussed further in Section 5.14. No significant or unreasonable impact to the amenity of adjoining dwellings would occur.</p> <p>The modest variation to the rear setback (to the addition for delivery/ storage area/ screened roof plant) is considered acceptable in the context and the scale of the addition at this interface is not significant. The screening comprises louvers and perforated metal, which reduces the perception of bulk compared to solid wall for example.</p> <p>Furthermore, given the orientation of the site no significant overshadowing would be caused to the adjoining property to the north. Given the use of this space, no privacy impacts would result. There is already an existing interface with a</p>

Section Heading	Requirement	Comment / Compliance
		wall close to this boundary and therefore the shallow setback is consistent with the existing setback pattern and character in this area. The overall articulation of the additions and other setbacks provided would achieve an acceptable interface and amenity outcome. The variation is considered acceptable.
C19 Landscaped Area Requirements in R1, R2 and R3 zones		
C19 Landscaped Area Requirements in R1 Zones	<p>C19.1. All development on land in the R1 and R2 Low Density Residential zone must have a minimum of 45% of the site area as landscaped area, unless a landscaped area requirement is identified in another clause of this DCP.</p> <p>C19.3. A Development Application must clearly indicate the area designed to meet the landscaped area requirements. Dimensions must be shown on the plans.</p> <p>Requirements apply to residential and non-residential uses.</p>	<p>The total site area is approximately 2,860 m². Approximately 1.684 m² is building footprint, with the remainder (equating to approximately 42% of site area) being open and landscaped areas.</p> <p>This falls marginally short of the requirement of the DCP. Nonetheless, the objectives are satisfied. The proportion of open and landscaped areas is acceptable given the use (community facility) and context of the site (inner urban residential area near the CBD). A detailed landscape plan has been submitted with the application demonstrating a quality landscaping outcome, suitable for the development. Appropriate soft landscaping is provided to each street frontage and adequate areas of permeability are provided. A variation is acceptable.</p>
C24 Provision of Essential Services		
C24 Provision of Essential Services	<p>The controls in this part of the DCP provide further guidance in relation to clause 7.10 Essential Services of the Clarence Valley LEP 2011. Refer also to Part J of this DCP.</p> <p>Clause 7.10 requires Council to be satisfied that any utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available.</p> <p>Such infrastructure includes the supply of water, electricity, the disposal and management of sewage, stormwater management, telecommunications and suitable road access.</p>	<p>The Proposal is located in an inner urban area with all essential services available to the site.</p>



Section Heading	Requirement	Comment / Compliance
C25. Development on flood liable land		
C25. Development on flood liable land	Development of flood prone land must comply with the requirements of Part D of the DCP.	The Proposal would be acceptable and adequately responds to flood planning requirements, including key elements of Council's DCP. Refer to Section 5.10 for further detail.
C27. Development of land with Acid Sulfate Soils		
Acid Sulfate Soils (ASS) Planning	Specific controls apply to disturbance of land classified and identified on Acid Sulfate Soils Planning Maps. See CV LEP 2011 clause 7.1 <i>Acid Sulfate Soils</i> .	ASS is addressed at Section 5.11.2 . The Proposal would involve excavation and soil disturbance for levelling and foundations, however excavations are unlikely to be greater than two metres below and as such it is not considered that an Acid Sulfate Soil Management Plan will be required. If works exceed the triggers of Clause 7.1 of the CVLEP then an Acid Sulfate Soil Management Plan would be required.
C29 Waste Management		
C29.1 Water Management	Any waste that is generated must be disposed of in accordance with the <i>Protection of the Environment & Operations Act 1997</i> and Regulations and the <i>Local Government Act 1993</i> . Waste management must be based on the principles of waste avoidance and maximising reuse and recycling of materials. All demolition and construction waste should be separated for reuse or recycling wherever possible. Details of the waste management strategy for a development (both construction and operational phases) must be submitted to Council when a development application is lodged.	Waste and measures to minimise and effectively manage it are outlined in Section 5.13 . A Waste Management Plan would be prepared prior to the commencement of works. The Waste Management Plan would be prepared in accordance with Council's DCP requirements and DECCW's "Waste Classification Guidelines (2008)" and the <i>Protection of the Environment Operations Act 1997</i> .
C24.6 Stormwater Management	Development must comply with the requirements of Part H Sustainable Water Controls and Part I Erosion and Sediment Control and the latest Northern Rivers Design Manuals.	The proposed scope of works will involve an increase in impervious area. Stormwater management has been considered and assessed to satisfy the provisions of DCP 2011. Refer to Section 5.11.1 for further details regarding the proposed stormwater management.

Part D Floodplain Management Controls

The Proposal would be acceptable and adequately responds to flood planning requirements, including key elements of Council's DCP. Refer to **Section 5.10** for further detail.



Part F Heritage Conservation

Heritage conservation has been addressed in **Section 5.8**. The Proposal is adequately sympathetic and acceptable from a heritage perspective.

Part G Parking and Vehicular Access Controls

Parking and access provisions have been addressed under **Section 5.1**. The provision of parking and access are acceptable.

Part H Sustainable Water Controls

The Proposal has considered the objectives and intent of Part G of the DCP and a stormwater assessment has been undertaken. Refer to **Section 5.11.1** for further detail. The Proposal would be acceptable in this context.

Part I Erosion and Sediment Control

Erosion and Sediment Control provisions have been addressed in **Section 5.11.4**. A suitable erosion and sedimentation control plan will be prepared at the construction certificate stage, before works commence, and will be in accordance with the 'Blue Book'. This provision of the DCP is satisfied.

4.5 State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) have been considered in relation to the proposed development.

4.5.1 State Environmental Planning Policy (State & Regional Development) 2011

Part 4 of SEPP (State and Regional Development) 2011 (SRD SEPP) relates to Regionally Significant Development and applies to development of a class or description outlined in Schedule 7 of the SRD SEPP.

Schedule 7 of the SRD SEPP outlines development that is required to be assessed as Regionally Significant Development which regional panels may be authorised to exercise consent authority functions of councils. Section 3 of Schedule 7 includes (as relevant):

Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- a council for the area in which the development is to be carried out is the applicant for development consent, or
- the council is the owner of any land on which the development is to be carried out, or
- the development is to be carried out by the council, or
- 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).

The proposed development has a capital investment value of more than \$5 million. Further, Council is the proponent and owns the land. This triggers the above provision and the SRD SEPP therefore declares the Proposal to be assessed as Regionally Significant Development.

Pursuant to Section 4.2 of the EP&A Act, the consent functions are to be exercised by a Regional Planning Panel. This means that the Council will assess the application, however the determination will be by the relevant Regional Planning Panel.

4.5.2 State Environmental Planning Policy (Coastal Management) 2018

Division 1 Coastal wetlands and littoral rainforests area

The subject site does not contain a mapped coastal wetland or littoral rainforest area.

Division 2 Coastal vulnerability area


The site is not mapped as a “coastal vulnerability area”.

Division 3 Coastal environment area

The site is mapped as a coastal environment area. Clause 13 (1) and (2) of the Coastal Management SEPP states that 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 certain matters. These matters and an assessment of the proposal against them area outlined in **Table 4.2**.

Table 4.2 Coastal SEPP Matters for Consideration for Development

Sub Clause	Matters for Consideration	Comment
Division 3 Coastal environment area		
1(a)	The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	Given the nature and scope, the Proposal will not have an impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
1(b)	The coastal environmental values and natural coastal processes.	Given the scope of the proposed works and the location within a developed, urban environment, it is not considered that the proposal will have an impact on the coastal environmental values and natural coastal processes.
1(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.	The development will not impact on Marine Estate or any Sensitive Coastal Lakes.
1(d)	Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	The Proposal will not impact on any marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands or rock platforms.
1(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,	The Proposal will not impact on any public open space or access to coastal areas.



Sub Clause	Matters for Consideration	Comment
1(f)	Aboriginal cultural heritage, practices and places,	The Proposal is unlikely to impact on any Aboriginal cultural heritage, practices and places (refer Section 5.9).
1(g)	The use of the surf zone.	The Proposal will not impact on the use of the surf zone.

Division 4 Coastal Use Area

The site is not mapped as a “coastal use area”.

4.5.3 State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP 44 aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas, to ensure permanent free-living populations would be maintained over their present range. Clause 6 of SEPP 44 states that the SEPP applies to land ‘in relation to which a DA has been made’.

The site is located in the fully developed and urban area of Grafton, within a highly modified site with minimal vegetation present. The subject site does not contain potential koala habitat. Given the location of the Proposal (in the middle of an urban area) and the lack of koala feed trees on the site, the Proposal would not impact on koalas.

4.5.4 State Environmental Planning Policy No. 55 – Remediation of Land

A search of the NSW Environmental Protection Authority (EPA) contaminated land database was undertaken for the Clarence Valley Council area. No records were found in proximity to the site. The site is not declared to be ‘significantly contaminated land’ under part 3 of the *Contaminated Land Management Act 1997* and is not subject to a ‘management order’ within the meaning of the *Contaminated Land Management Act 1997*. The land is not the subject of an approved voluntary management proposal or an ‘ongoing maintenance order’.

The site is unlikely to be contaminated from past activities (existing gallery and dwelling uses) and the Proposal is unlikely to disturb contaminated land.

4.6 Other NSW Legislation

4.6.1 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) includes provisions relating to the protection of the environment. One of the objectives of the Act is to protect, restore and enhance the quality of the environment in NSW, having regard to the need to maintain ecologically sustainable development. There are serious offences under this Act for causing pollution of air, noise, water or land. NSW Health and the appointed contractor are required to meet the waste licensing obligations of cl.39-42 of Schedule 1 of the POEO Act in relation to the proposed works.

The Contractor and NSW Health are obliged to notify OEH when a “pollution incident” occurs that causes or threatens “material harm” to the environment.



4.6.2 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 84 and 90 of the NPW Act provide statutory protection for any physical/ material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community. The key principles of the Act in relation to Aboriginal heritage are the prevention of unnecessary or unwarranted destruction of Aboriginal objects, and the active protection and conservation of objects which are of high cultural significance. It is an offence to knowingly disturb an Aboriginal object, irrespective of its nature or significance, without the prior consent of the Director-General of the NSW OEH.

An AHIMS search did not return any results for items of Aboriginal Heritage located within or proximal to the subject site. Given the urbanised context of the site and extent of existing disturbance, as well as the nature and footprint of the Proposal, the development is unlikely to result in the disturbance or harm to Aboriginal Heritage. Notwithstanding this, safeguards would be in place in the event of the unexpected discovery of any Aboriginal objects during construction (refer **Section 5.9**).

4.6.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) and its supporting regulations commenced on 25 August 2017. The BC Act repeals the *Threatened Species Conservation Act 1995* along with other natural resource management legislation. The BC Act sets out the assessment framework for threatened species and endangered ecological communities (EECs).

The BC Act aims to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act place obligations on proponents in relation to the consideration of threatened species and ecological communities.


The BC Act inserts provisions to the planning approvals process via Section 1.7 of the EP&A Act if it is determined under Section 7 of the BC Act that there is likely to be a significant effect on threatened species or ecological communities, or their habitats.

In relation to the Proposal, the works affect an urbanised site that is disturbed and already highly developed. No significant vegetation or tree removal is required other than minor impacts to exotic and ornamentally planted vegetation. The biodiversity impact is assessed in **Section 5.4**. The Proposal would not have any significant impact on biodiversity, including no significant impact upon listed threatened species or endangered ecological communities.

4.6.4 Heritage Act 1977 (NSW)

The *Heritage Act 1977 (NSW)* provides protection for the environmental heritage of the State, which includes places, buildings, works, relics, movable objects, or precincts that are of State or local heritage significance. The legislation focuses on identifying places of either local or State heritage significance and protecting them by registration on heritage registers. Significant historic heritage items are afforded little protection (other than at the discretion of councils) where they are not on a heritage register.

Of note are the provisions allowing for interim heritage orders (Part 3), which grants the Minister or the Minister's delegates, (which importantly may include a local government agent) the power to enter a property and provide emergency protection for places that have not yet been put on a heritage register, but that may be of local or State significance.



The Heritage Act 1977 (NSW) also makes allowances for the protection of archaeological deposits and relics (Part 6). An archaeological "relic" means any deposit, object, or material evidence, which relates to the non-Aboriginal settlement of the area. Importantly, a former requirement for an archaeological relic to be 50 years or older has been repealed. The focus is now on the item's potential heritage significance, not its age.

4.6.5 Environmental Protection and Biodiversity Conservation Act 1999

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action that has, or is likely to have, a significant impact on matters of national environmental significance or other aspects of the environment, such as on commonwealth land, may progress only with approval of the Commonwealth Minister for the Environment under Part 9 of the EPBC Act. There are no matters of national environmental significance that will be affected by the Proposal and therefore no Commonwealth referral/approval is necessary for the proposed works.

4.7 Other Environmental Planning and Assessment Matters

The proposed development is not specified in the LEP or included in Schedule 3 of the EP&A Regulation 2000 as a Designated Development.

The proposed development is not Integrated Development as described in Section 4.46 and 4.47 of the EP&A Act 1979 despite involving works that would affect the road reserve as Council is the relevant authority for the local roads (pursuant to 4.46(3) of the EP&A Act).

4.8 Public Interest

It is in the public interest to provide quality and accessible cultural and community services for the community. The Proposal would help facilitate this and is in the public interest. The development will not result in any significant or unacceptable impacts on the surrounding community.



5. Environmental Assessment

5.1 Traffic and Parking

5.1.1 Existing Environment

The site has a primary frontage to Fitzroy Street with a secondary frontage (at the rear) to Robinson Avenue. Deliveries currently occur via Fitzroy Street, either within the site or via on-street parking. The site is situated within relatively typical urban environment, within the context of a regional centre. Traffic in the area is typical of such urban and residential contexts in regional centres.

The site currently supports approximately eight informal parking spaces.

5.1.2 Construction

In terms of the construction phase, traffic would be generated by the Proposal through:

- construction employees entering and leaving the site;
- truck deliveries to the site for construction purposes;
- equipment and plant being delivered to the site for construction purposes; and
- periodic deliveries to the site for construction materials.

The existing volume and frequency of traffic to and from the site and on the nearby local road network would render any additional traffic movements associated with the construction of the Proposal and also any resultant operational traffic increase as minimal. This is particularly the case as most additional traffic movements would be generated during the temporary construction period. The impact of additional traffic movements associated with the proposed construction activities would represent a small and temporary increase compared to existing traffic movements.

Standard construction measures can effectively management traffic during the construction period.

5.1.3 Operation

The Proposal is for the upgrade of and additions to the Grafton Regional Gallery. The Gallery is considered to be a Community Facility as defined by the CVLEP and confirmed by Council. The DCP outlines parking rates/ requirements for various uses. The rate for a Community Facility is one space per 10 seats or one space per 15 m² of main assembly area, whichever is the greater. Being a gallery, the floor area of the main exhibition space accessible to the public (main assembly area) is considered in the calculation. However, this is considered to be a conservative approach for a gallery given people are generally spread out between rooms and circulate the premises/ exhibition, rather than gather in a main assembly area (which may occur infrequently for exhibition openings or events for example).

The existing conditions provide for eight informal on-site parking spaces and the public exhibition space of the existing gallery has an existing floor area of 381 m². The technical parking rate for this floor area is 24.4 spaces based on the DCP. However, parking requirements are not triggered for the existing area, only the additions and increase in floor area. Table 5.1 below shows that 16.4 spaces are technically required for an increase in public exhibition area of 244 m². However only four additional on-site spaces are required; meaning a variation is required.

Table 5.5.1 DCP Parking Calculation

<i>Increase in floor area of main public gallery/ assembly area</i>	<i>DCP Parking Rate</i>	<i>Requirement</i>	<i>Provided</i>	<i>Shortfall / variation required</i>
244 m ²	1 space per 10 seats or 1 space per 15 m ² of main assembly area, whichever is the greater.	16.3 spaces	12 on-site (4 more than existing)	12.3 spaces


Under the proposed upgrade the existing eight informal spaces will be increased to 12 formalised parking spaces on-site (10 public spaces in the main car park accessed from Fitzroy Street and two staff spaces accessed from Robinson Avenue).

Due to removal of a redundant driveway and reinstatement of the kerb, one on-street parking space will be gained. This equates to five spaces being supplied to service the increase in floor area.

A variation to the DCP rate/ calculation is considered acceptable given the following:

- The Gallery is an existing facility and currently does not provide for the full technical parking rate given site constraints and space limitations.
- The increase in public gallery space is not considered significant and due to site constraints, heritage values and the residential context, substantial on-site parking is not considered appropriate and an inefficient use of space.
- Typical daily visitation rates are generally spread out across the day and do not result in concentrated attendance. During normal operating hours visitation is not expected to significantly change compared to the existing conditions as the Gallery would still service the same population catchment. Therefore, a significant increase in parking demand is not expected.
- Given the context of the area, comprising residential and commercial uses, on-street parking availability in the evening is generally expected to increase compared to day time use. Hence, during evening events (when more patrons may be present at one time), it is likely that more on-street parking would be available and can accommodate the parking needs of the Gallery (again similar to existing conditions).
- The site is located on the fringe of the main commercial area of the Grafton. The proximity to this centre and availability of alternative transport modes, including the convenience of walking and cycling in this urban area support not providing the full technical rate of parking on-site. Further to this, the local context supports multi-purpose trips, where visitors of the Gallery may also engage in other commercial activities in the vicinity such as shopping or dining.
- There is a large amount of public on-street parking in the vicinity of the site, including that in Queen Street, that is easily accessible.

Similar to the reasons above, the proposal is not expected to be a significant generator of traffic. The upgrade and additions will result in additional floor space and therefore the potential for more patrons to attend the site. However, largely this would amount to more exhibition and storage space which does not necessarily directly translate into additional visitation. As outlined, typical visitation rates during normal operating hours are not expected to significantly change and the Gallery would continue to service the existing population catchment. With additional floor space, events could attract more patrons, however, again this is not expected to result in adverse traffic impacts and the surrounding road network is capable of servicing the area which occurs within an urban area adjacent to the main Grafton CBD.



In terms of deliveries, every seven to eight weeks there is an exhibition delivery of approximately one to two trucks and one to two cars. Shop and material deliveries occur on average one truck a month. Café deliveries typically occur weekly (e.g. via car or van). This is not expected to be significantly different compared to the current operation which receives periodic deliveries for exhibitions and supplies.

Delivery trucks will reverse up the driveway to the loading/ delivery area and store. Delivery vehicles would then be able to exit in a forward direction. The art gallery will provide traffic management during deliveries to ensure safety and efficiency. Additionally, it is proposed that an on-street loading zone be established at the frontage on Fitzroy Street. This is acceptable as it will assist in undertaking deliveries to and from the site. The loading zone would not adversely impact parking availability, especially as the removal of a redundant cross will result in reinstatement of the kerb and an additional on street parking space.

Overall, the parking supply both on-site and on-street is considered adequate to cater for the development and there is sound justification for a variation. Traffic is not expected to be significant and the site locality is immediately adjacent to the main commercial and urban area of Grafton. Deliveries to and from the site are relatively infrequent and can effectively occur within the site, or from the street via a proposed loading zone. Deliveries are not expected to result in any unreasonable impact and can be managed.

5.1.4 Safeguards and Management Measures

The following mitigation measures will be implemented in order to prevent adverse impacts relating to traffic and access:

- Current traffic movements and necessary access will be maintained during all works.
- In the unlikely event of a requirement to alter existing access to a site or close a road, sufficient and appropriate notification will be provided to the affected traffic users.
- Regard to public safety will be maintained at all times.
- Any new kerb would be constructed in accordance with Council design standards.
- Upon completion of the works, any damage to Council infrastructure, e.g. footpaths or kerb and channel, would be reinstated.
- The art gallery will provide traffic management during deliveries, as required.

5.2 Noise and Vibration

5.2.1 Existing Environment

The site is located within the urban footprint of Grafton on the fringe of the Grafton CDB; bounded by Fitzroy Street to the south and Robinson Avenue to the north. The site is primarily adjoined by surrounding residential development with some commercial development to the south (on Fitzroy Street). The broader surrounding area is otherwise characterised predominantly by residential development to the west and the north with commercial areas south and the east. The existing background noise is typical for an inner urban residential area with adjacent commercial businesses. Sensitive receivers include:

- Residential areas north and west of the subject site. The dwellings immediately to the east and west of the site are within one to two metres of the proposed building site.
- Commercial business to the south (on Fitzroy Street) including a dental surgery.



5.2.2 Potential Impacts

5.2.2.1 Construction

Noise from the Proposal would be typical of that associated with construction work and result from the work personnel and the use of machinery, equipment, and vehicles. This will result in noise and possible vibration emissions within the immediate area and has potential to affect nearby sensitive receivers, including local residences. The works however are for construction of a medium sized two storey building and associated ancillary works and refurbishments and thus the works would be temporary and are not considered to be of a significant scale or constitute major construction work.

Under the EPA's Interim Construction Noise Guidelines:

- the noise management level for works during the recommended standard hours is background + 10 dB(A). Above this noise level, the proponent needs to implement all feasible and reasonable work practices, as defined in the Guideline, to minimise noise impacts;
- for works outside the recommended standard hours, the noise management level is background + 5 dB(A); and
- the highly noise-affected level of LAeq 75 dB(A) represents the point above which there may be strong community reaction to noise and indicates a need to consider other feasible and reasonable ways to reduce noise, such as restricting the times of very noisy works to provide respite to affected residences.

The NSW EPA website suggests that review of predicted noise levels for some recent major construction projects indicated that a level of 75 dB(A) will not likely be triggered on many projects. Given the scale, location and methodology of the proposed works, it is unlikely that the Proposal will result in a highly noise-affected decibel level at any local sensitive receiver locations.


Vibration impacts resulting from the Proposal would be both relatively minor and temporary given the scope of works. The nature of the work means that vibration levels would be limited to that of typical construction works. It is likely that vibration from the Proposal would not be of significant concern to surrounding residents or the general community.

Overall, whilst no significant short or long-term adverse noise and vibration impacts are expected to result from the construction activity, standard construction management measures would be implemented to avoid and minimise potential adverse impacts.

5.2.2.2 Operation

The Proposal involves expansion of and additions to the existing gallery. The Gallery operation and ancillary components, including the café, are typically not high noise generating operations/ activities and have existed at the site for some time, meaning nearby residents would typically be accustomed to the use of and activities that occur on the site.

The Gallery operates daily 10.00 am to 4.00 pm, and this is not proposed to change. Most of the typical daily visitation occurs during these times. These times are not considered sensitive to residential amenity and the surrounding land uses, including adjoining dwellings, would be used to the Gallery's operations and noise characteristics. Some events (e.g. exhibition openings and functions) may result in the Gallery occasionally operating until 11.00 pm. Approximately 15 evening events would occur throughout the year. This is not significant and would be comparable to current operations. Given the infrequent occurrence, existing operation and reasonable closing time for



evening events, such events are considered to be acceptable. The operation of the Gallery, including café, is not expected to significantly affect residential amenity.

Plant associated with the Gallery would be appropriately sited and designed, including acoustic considerations and the interface with adjacent dwellings. Acoustic screening would be provided.

The main expansion of the Gallery is in terms of building footprint and internal floor space for the public gallery as well as storage. Whilst this would support the ability for more patrons to be accommodated on-site at any one time, much of this activity is spread throughout the day during normal operation and would also be contained in doors. The primary useable outdoor space is the central courtyard. This is an existing feature and the useable area is not changing in size/ capacity, hence noise conditions are expected to be comparable to the existing conditions.

A new café seating area in the frontage and adjacent to the western property boundary is proposed. This seating interfaces with the principal street frontage and the residential use to the west, however is compact and not extensive in size. The café is a low-key component of the operation and not expected to be a high noise generator. It is considered to be compatible with the land use context given the existing conditions and appropriate premises management would also help ensure noise is responsibly managed and not significant. A new fence and trellis would be erected along the boundary adjacent to the seating area to help maintain privacy and reduce noise to the adjoining residential use.

5.2.3 Safeguards and Management Measures

The following mitigation measures will be implemented in order to address potential adverse impacts relating to noise and vibration:

- Construction activities will be undertaken in accordance with EPA recommended standard construction hours:
 - Monday to Friday 7.00 am to 6.00 pm;
 - Saturday 8.00 am to 1.00 pm;
 - No work on Sundays or public holidays.
- The contractor would liaise with adjacent residents with regard to the works where potentially high noise or vibration activities may occur, including notification of potentially noisy activity periods.
- Extensive periods of continuous operation of noisy machinery would be avoided where possible.
- Any noise complaints will be recorded and include suitable identification/ description of the noise source (e.g. continual/ impulsive) and general location of the complaint. Any noise complaints will be investigated and actioned within 24 hours.
- All vehicles and equipment will be turned off and not left idling when not required for work uses.
- All plant will be fitted with appropriate exhaust systems to ensure compliance with pollution and noise emission standards.
- The plant platform has been located and designed having due regard for acoustic considerations, including acoustic screening.
- The most appropriate sized tool for the respective job will be used keeping in mind that the smaller the tool, the less noise is generated.
- Operational management would aim to avoid and minimise the potential for noise impacts that could adversely affect sensitive receivers, particularly during any evening operational hours and events that occur beyond 10pm.



5.3 Air Quality

5.3.1 Existing Environment

The site is located within the urban footprint of Grafton on the fringe of the Grafton CBD; bounded by Fitzroy Street to the south and Robinson Avenue to the north. Potential airborne particles within the locality are largely restricted to vehicle emissions and potential dust generated by vehicle movements, as well as possible agricultural activities in the broader landscape.

5.3.2 Potential Impacts

The Proposal may temporarily affect air quality through exhaust emissions from machinery and associated transportation. There may also be dust generated during removal and demolition works, as well as new construction works. The nearest sensitive receiver are the adjacent dwellings, the nearest of which are within one to two metres from the proposed building site. The commercial business located on the opposite side of Fitzroy Street are also potential sensitive receivers. As such, there is potential that emissions and dust generated from the works may result in some air quality impacts to these receivers. However, given the temporary duration of the works and nature of the Proposal, the level of potential impact is not considered significant and can be managed or minimised through implementation of safeguards and sound construction practices. Upon completion of the development, no adverse impacts to local air quality are expected and a gallery is considered to be compatible with urban environments, including nearby dwellings and other sensitive receivers.

5.3.3 Safeguards and Management Measures

- Demolition or construction work would not be undertaken during adverse weather events, such as high wind conditions.
- All vehicles and equipment will be turned off and not left idling when not required for work uses.
- All plant will be fitted with appropriate exhaust systems to ensure compliance with pollution and noise emission standards.


5.4 Vegetation and Ecology

5.4.1 Existing Environment

The site is in an urban context and is highly modified and disturbed with only limited garden/ ornamental plantings found throughout the site. Habitat potential is limited, and the site does not provide connectivity, being highly disconnected due to the surrounding developed areas. Although ornamentally planted trees offer limited biodiversity values, they provide a level of visual amenity throughout the Gallery site.

5.4.2 Potential Impacts

Vegetation impacts would be limited to the removal of a Mango tree within the parking area to allow for an increase in parking area. The tree is an ornamental planting and its removal does not present a significant impact given its isolation within an urbanised environment. Other vegetation impacts are limited to the removal of lawn and some removal/adjustment of garden plantings within the existing



dwelling lot (refer to proposed landscape plan). No significant habitat values occur on-site nor would any be impacted the site's context.

A search was conducted using the *Environment Protection and Biodiversity Conservation Act* (EPBC) protected matters search tool. The search identified no Commonwealth Heritage Places, World Heritage Properties, National Heritage Places, Wetlands of International Importance, or Key Ecological Features within the general area of or immediately around the subject site.

Given the limited biodiversity values that exist within the site and surrounding locality, and limited vegetation removal, it is unlikely that the Proposal will have any significant impact on threatened flora or fauna.

5.4.3 Safeguards and Management Measures

The following measures would be followed with regard to ecology:

- If non-mobile fauna or habitat features are identified (e.g. birds nest) before or during construction, a suitably licensed and experienced ecologist is to be contacted and appropriate measures would be discussed and implemented prior to commencement/ re-commencement of works.
- If an animal is injured during construction WIRES is to be contacted (1300 094 737) to arrange for capture/ removal of the animal from the works area.

5.5 Visual Impact and Amenity


5.5.1 Existing Environment

The site is located within a predominantly residential area fringing the central business district of Grafton. The site is adjacent to residential houses and apartments (to the east, west and north) with residential and commercial buildings located across the street to the south-west (Fitzroy Street). The site is flat. Built form within and adjoining the site differs in age/ architectural style and varies between one and two stories. Street trees are located within the road reserves of both Fitzroy Street and Robinson Avenue adjacent to the site.

The main view points from the public domain associated with the Proposal are from Fitzroy Street and Robinson Avenue. The existing gallery as seen from Fitzroy Street presents as a two-storey building with a low fence and modest but well-maintained garden. A paved access is situated to the right of the Gallery with hedging located between the access and western residence. The residence at 5 Robinson Avenue is a raised dwelling with a sealed asphalt driveway, front lawn with minimal landscaping. The visual environment associated with the site is considered medium with value at a local scale, including heritage character.

5.5.2 Potential Impacts

The building additions have been designed to be simple, yet appealing and sympathetic to the surrounding built environment and to be complementary to the existing surrounding heritage character of the locality. Further detail on the proposed development design, character and materials is provided at Sections 3.4.1 and 3.4.2.



The main visual and amenity impacts of the Proposal are experienced from:

- views from Robinson Avenue; and
- views from the rear yards at residences located at 3 and 7 Robinson Avenue.

The bulk of the development variation occurs within the centre of the site and is associated with demolition of the residence located on 5 Robinson Avenue and northern extension of the Gallery within Lot 3 DP 38033.

The main visual change as seen from Robinson Avenue is the removal of the existing dwelling and inclusion of the new gallery extension. The northern extension of the Gallery within Lot 3 DP 38033 will result in a single level building entry from Robinson Avenue including two parking staff bays. The development form increases to two storeys, setback approximately 13.9 m from the Robinson Avenue boundary, linking into the existing two storey gallery building. This built form arrangement is not considered inconsistent with existing urban development within the area with two storey developments and commercial buildings being located on Robinson Avenue, Fitzroy Street and Queen Street. The visual change experienced from Robinson Avenue is therefore considered minor and a suitable level of articulation, visual interest and integration with the streetscape is provided.

The northern extension of the Gallery within Lot 3 DP 38033 increases to two storeys adjacent to the rear yards of residences located at 3 and 7 Robinson Avenue. The new two storey development is located within an area that currently features a pool, lawn and basic landscaping associated with a single storey dwelling. The new two storey development will be a prominent visual structure as viewed from the rear yard of the adjoining residences, however reasonable setbacks and a mix of materials have been incorporated to break up the form and reduce visual bulk. The visual and amenity impact experienced for the rear yards of residences located at 3 and 7 Robinson Avenue is therefore considered moderate, but not unreasonable in the context of the area and the scale of built form is consistent with other two storey structures, including the existing gallery building.

No unreasonable privacy impacts to adjoining dwellings would occur as all new first floor windows are high-light windows. Boundary fences, combined with landscaping elements (refer to attached landscape plan) would also maintain reasonable privacy between adjoining properties and outdoor seating areas at ground level.

In response to the objectives of the DCP, the Proposal would not unreasonably impact the amenity of adjoining dwellings. Overshadowing diagrams have been prepared for 9.00 am, 12.00 noon and 3.00 pm on the Winter Solstice (21 June), Equinox (21 March/September) and Summer (21 December) (refer to **Appendix A**). It should be noted, that part of the areas shown to be affected by overshadowing in the diagrams would already be affected by existing shadows cast by existing buildings and structures, including side boundary fences.

No significant additional overshadowing of adjoining secluded private open space (SPOS) occurs during summer. Minimal additional overshadowing of adjoining SPOS occurs between 9.00 am and 12.00 noon on the equinox, with the main impact at 3.00 pm affecting the property the east (3 Robinson Avenue). Similarly, due to the orientation of the site, the winter (21 June) shadows show minimal additional overshadowing between 9.00 am and 12.00 noon. The main impact occurs in the late afternoon at 3.00 pm to the rear yard (SPOS) of 3 Robinson Avenue. However, this SPOS would still receive a reasonable amount of sunlight between 9.00 am and 1.00 pm, with approximately more than half of the area not affected by additional overshadowing. This is a reasonable amenity outcome for an inner urban area, that comprises a mix of residential and other uses.



5.5.3 Safeguards and Management Measures

Safeguards and mitigation measures to be implemented are:

- Appropriate soft landscaping and plantings would be introduced where appropriate (refer to proposed landscape plan).
- All disturbed areas would be progressively restored/ stabilised as appropriate.
- Sympathetic materials and colours have been selected.

5.6 Contamination

The Proposal is located within the existing Grafton Regional Gallery site and an adjacent residential lot. Most of the site is covered by buildings associated with the Gallery and the residential dwelling and the surrounding areas are utilised for predominantly residential purposes with interspersed commercial uses.

A search of the NSW Environmental Protection Authority contaminated land database found two records of contaminated land in the Clarence Valley Council LGA, however none of these are applicable to land within or near the subject site (see **Appendix D**).

A search of the NSW Department of Primary Industries (DPI) cattle dip site locator identified 10 cattle dip sites within the Clarence Valley Council LGA, however none are within or adjacent to the subject site (see **Appendix D**).

As none of these contamination records are in the vicinity of the subject site, they are unlikely to have affected the subject land. A visual assessment of the site, along with its current and previous uses, does not give any initial indication of potential contamination. However, it is important to note that, generally speaking, there is the potential for the following contaminants to occur at sites:

- The placement of filling on the site (e.g. asbestos, lead and PAHs).
- Contaminants associated with demolition activities (e.g. lead and asbestos).
- Contaminants associated with maintenance of the buildings on the site (e.g. pesticides).
- Naturally occurring elements in the soils and rock underlying the site (e.g. heavy metals).


Ground disturbance associated with construction would be localised and is not expected to have contamination consequences. Standard construction measures and safeguards would be implemented to ensure that any potential discovery or exposure of contaminated material/ land would be dealt with effectively and in accordance with EPA and/or Council policy and guidelines.

In addition, the works would affect an already disturbed and developed site. The works would be localised and no impact to the surrounding environment from the works is expected. Any potential impacts can be readily managed with standard construction measures and safeguards.

5.6.1 Safeguards and Management Measures

Safeguards and mitigation measures to be implemented are:

- Any discovery, exposure or disturbance of potentially/ suspected contaminated soil or material would be managed in accordance with relevant EPA and Council policy and guidelines. Any required disposal of such waste would be to a licensed facility.
- Any works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover



“Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with the NOHSC “Code of Practice for Safe Removal of Asbestos”.

- Construction works should not result in the contamination of the site.
- Water quality control measures are to be used to prevent any materials (e.g. concrete, fill sediment and spoils) entering any drains or waterways.
- Refuelling of equipment is to be managed in order to prevent any potential spills leaving the site.
- Required fuels and other liquids would be stored in self-safe chemical storage containers. Unnecessary storage of these materials would be avoided.
- All equipment would be maintained in good working order and operated according to manufacturer’s specifications.

5.7 Crime Prevention through Environmental Design

Current policies and procedures will be followed to ensure contemporary regulations, work health and safety, and accreditation requirements are addressed. The design has been carried out in accordance with the principles of crime prevention through environmental design.

The Proposal provides adequate public surveillance and does not provide opportunities for concealed criminal behaviour; therefore, suitably addressing principles of crime prevention through environmental design.

5.8 European Heritage


Everick Heritage Consultants was engaged by DRA Architects Pty Ltd on behalf of Grafton Regional Gallery (the Proponent), to prepare a specialist Statement of Heritage Impact (SOHI) to support the Development Application to extend and upgrade the Grafton Regional Art Gallery at 158 Fitzroy Street (Prentice House) and 5 Robinson Avenue Grafton NSW (the Project Area). The SOHI is attached at **Appendix B**.

The Proposal to redevelop the Gallery includes development of an additional gallery space on the adjacent lands at 5 Robinson Avenue. This will involve the following;

- Removal of the existing residential dwelling and pool at 5 Robinson Avenue and replacement with an additional wing of the Art Gallery and collections room;
- Construction of a delivery area, enclosed bin storage and garden shed to the east of the rear existing gallery;
- Two staff carparks and an additional 10 visitor carparks;
- Relocation of services; and
- Fencing and landscaping.

The following statement of significance is based on the general comments in the Grafton Community Heritage Study and the results of the site inspection:

The construction of Prentice House represents a significant investment by private medical practitioners as Grafton developed in the late 19th century and became a regional centre supporting the growth of the Clarence Valley. The building forms part of a collection of brick buildings which are a regional variant of the Federation architecture which is typically more grandiose and larger in scale than the typical federation style weatherboard cottages of the north coast. The remaining buildings in the vicinity of the Proposed Works represent private dwellings which demonstrate design elements from the federation period and contribute to the broader heritage values of the Grafton Conservation Area. This includes the group of three cottages and the double story building on Fitzroy Street to the



east of Prentice House and the residential dwelling at 27 Queens Street are typical of urban development around the Grafton CBD which has been identified as a key historic theme by Stubbs (2007). In particular the streetscape includes cultural plantings and buildings in close proximity to the street front and adjacent neighbours.

The Proposed Works will not result in any significant visual impacts to these heritage items. The addition of a modern architecturally designed non-residential building in the Conservation Area is not unprecedented, and there are nearby examples of commercial developments and retrofits of residential buildings for commercial operations. The potential impacts of the additional gallery space on the overall character of the Grafton Conservation Area will be mitigated by the following broad design strategies:

- Use of complex low pitch roofline to ensure the double story building is sympathetic to the rooflines of the surrounding buildings.
- Use of a mix of materials such as rendered cement walls, exposed brick, fibre cement sheet cladding, colour bond roofing which are common in the surrounding buildings.
- Creation of a curtilage which is consistent with the existing residential dwelling at 5 Robinson Avenue and sympathetic to the narrow curtilage which is common in the Conservation Area.
- Retention of existing streetscape plantings which are somewhat unique and contribute to the character of the Conservation Area.

Having consideration for the NSW Heritage Office Guidelines it is concluded that a Conservation Management Plan is not required as the Proposal affects only a locally significant item.

5.9 Aboriginal Heritage

5.9.1 Existing Environment

The site has been extensively modified and disturbed. Given that few natural features remain, it is unlikely that there is a high risk of disturbing Aboriginal items or objects. An AHIMS search determined that no registered items or objects of Aboriginal cultural heritage were identified within or near the Proposal footprint.

5.9.2 Potential Impacts

The Proposal is considered to present low risk to Aboriginal heritage, given the highly disturbed and urban nature of the site and there are no proximal registered items or objects of Aboriginal cultural heritage.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* provides an assessment process to determine if the proposed activity may harm Aboriginal objects and to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required.

Table 5.5.2 Generic Due Diligence Process

Generic Due Diligence Process	Proposed Activity
Will the activity disturb the ground surface or any culturally modified trees?	The ground surface will be disturbed to establish the building/works; however, the site is already developed and disturbed. No culturally modified trees will be disturbed.
Are there any: 1. Relevant confirmed site records or other associated landscape features information on AHIMS? and/or 2. Any other sources of information of which a person is already aware? and/or 3. Landscape features that are likely to indicate presence of Aboriginal objects?	<ol style="list-style-type: none"> 1. A search of the AHIMS database revealed that there are no registered sites on the subject site or within 200 m of the lots on which the works are proposed. 2. There are no sources of information of which the author is aware. Given the development and disturbance history of the site, there is nothing to suggest that Aboriginal objects are likely to exist on the site. 3. The site lies within the urban area of Grafton and is greater than 200 m to waters, not located within a sand dune system, ridge top, ridge line or headland. The site is not within 200 m of a cliff face or within 20 m of a cave, rock shelter or cave mouth. The proposed development is to be carried out on existing urbanised land that is highly disturbed.

Given the above, it is reasonable to conclude that there are no known Aboriginal objects on the site and it is very unlikely that objects would occur at the site. The generic due diligence process indicates the proposed activity can proceed without applying for an AHIP. Standard safeguards for unexpected finds would be implemented.

5.9.3 Safeguards and Management Measures

The following measures will be implemented in order to prevent adverse impacts to Aboriginal heritage:

- If Aboriginal objects or cultural material is identified on-site or uncovered during the works, a Stop Work Procedure will be followed, which includes:
 - Works will cease immediately
 - A temporary exclusion zone established
 - Local Aboriginal Land Council contacted immediately
 - OEH contacted immediately.
- Aboriginal human remains – should skeletal material be exposed during ground disturbance, work will cease immediately, and contact made with NSW Police, National Parks and Wildlife and the Local Aboriginal Land Council as per OEH requirements.
- Notifying OEH – it is a legislative requirement that cultural heritage materials uncovered as a result of the Proposal are registered as Aboriginal sites with OEH on the AHIMS database within the required timeframe.

5.10 Flooding

Clarence Valley Council mapping provides flood extent maps for the LGA. The site is subject to the 1:50, 1:100 and extreme flood events according to the Council mapping. Council online mapping indicates flooding at the site in the 1:50 is in the order of 6.34 - 6.45 m and in the 1:100 is 6.97 - 7.08 m. The site is outside of the 1:5 and 1:20 flood events. The ground floor level for the development is proposed at 6.15 m AHD (Australian Height Datum).


Schedule D2 of the DCP identifies the category entitled “sensitive uses and facilities”. These include:

- Community facility;
- Telecommunications facility;
- Institutions;
- Educational establishments;
- Liquid fuel depot;
- Public utility (including electricity generating works and utility installations) undertakings which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events;
- Residential care facility; and
- School and seniors living.

The Gallery development is considered a community facility. All construction below 6.4 m AHD will be of flood compatible materials, as discussed at the DMU with Council officers and in accordance with the DCP. The proposed Gallery development is considered against the requirements of Schedule D3 of the DCP at Table 5.3.

Table 5.3 DCP Schedule D3 considerations (Sensitive Uses and Facilities)

Planning Consideration	Detail	Comment
Floor and Pad Levels	Unless otherwise specified all floor levels to be no lower than the 5-year flood level plus freeboard unless justified by site specific assessment.	The site is outside of the 1:5 and 1:20 flood events. The use is a Gallery, considered to be a Community Facility under the LEP definitions.
Building Components	All structures to have flood compatible building components below the design level of the primary habitable floor level.	All construction below 6.4 m AHD will be of flood compatible materials in accordance with DCP Schedule D1.
Structural Soundness	Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100-year flood plus freeboard, or a PMF if required to satisfy evacuation criteria (see below).	The structure will be designed to withstand all expected forces acting on the building including the forces due to floodwater.
Flood Effects	The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood conveyancing; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.	The proposed building will have negligible effect on the existing flood conditions including: (i) The proposed building is not in Clarence Valley Council's identified flood storage/ponding areas. (ii) Clarence Valley Council's flood modelling indicates that the flood flows at the site have negligible flow velocity in the 1% AEP event and therefore the proposed buildings will not adversely affect to flood conditions.



Planning Consideration	Detail	Comment
		(iii) Potential developments can only be assessed on their merits.
Evacuation	Safe and orderly evacuation of the site (in any size flood) has been demonstrated in a regional evacuation capability assessment prepared to the satisfaction of Council and the SES. Where such an assessment has not been prepared, development will only be permitted where, in the opinion of Council, safe and orderly evacuation can occur (in any size flood).	Clarence Valley Council has adopted the "Clarence Valley Local Flood Plan" which has also been endorsed by the SES. The above Flood Plan includes evacuation procedures.
	Adequate flood warning is available to allow safe and orderly evacuation (in any size flood) without increased reliance upon the SES or other authorised emergency services personnel.	The Clarence River flood catchment is the largest river catchment on the east coast of Australia. Any flooding of the Clarence River at Grafton has several days warning time prior to the flooding of the site.
Management and Design	Applicant to demonstrate that area is available to store goods above the 100-year flood level plus freeboard.	The proposed development has sufficient space located above the 100-year flood level plus freeboard.
	No storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood.	Any potentially hazardous materials requiring storage within the site will be located above the design floor level.

The building structure proposed is would incorporate flood compatible materials as required and will comply with Council's flood compatible materials table in Schedule D1 of the DCP. Any further consideration of materials or structural soundness would form part of the detailed design and construction certificate stage. The development occurs within the existing built up urban area of Grafton, most of which is flood prone land. The demolition of existing structures and additions to the Gallery would not significant affect flooding patterns, nor would flooding pose a significant risk to the development.

The Proposal would be acceptable and adequately responds to flood planning requirements, including key elements of Councils DCP.

5.11 Soil and Water

5.11.1 Stormwater

5.11.1.1 Existing situation

The subject site is not known to have any stormwater management or detention. The existing conditions have an impervious area of 311.5 m².

5.11.1.2 Proposed Situation

A stormwater management plan (attached at **Appendix C**) has been prepared by McKenzie Burridge and Associates (engineers) Based on the stormwater management plan, the Proposal would increase the impervious area across the site from 311.5 m² to a total of 441.4 m².

To address stormwater management and the objectives and requirements of the DCP, the stormwater management plan proposes the inclusion of three slimline tanks to collect stormwater from the roof of the main new additions. Additions, infiltration is proposed through the use of graded pits "Leaky Well". The stormwater management plan and included results of the CVC stormwater detention calculator demonstrate that the Proposal is acceptable from a stormwater perspective.

5.11.2 Acid Sulfate Soils

The site is mapped as being subject to Class 4 Acid Sulfate Soils (ASS). The disturbance and exposure of ASS can lead to oxidation and the production of sulfuric acid. This can drain into waterways and cause severe short and long-term socio-economic and environmental Impacts. The CVLEP at clause 7.1 (Acid Sulfate Soils) outlines requirements for development consent for the carrying out of works described in the Table to this subclause (replicated in **Table 5.4** below) on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.


Table 5.4 CVLEP Acid Sulfate Soils Consent Triggers

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than one metre below the natural ground surface. Works by which the watertable is likely to be lowered more than one metre below the natural ground surface.
4	Works more than two metres below the natural ground surface. Works by which the watertable is likely to be lowered more than two metres below the natural ground surface.
5	Works within 500 m of adjacent Class 1, 2, 3 or 4 land that is below five metres AHD and by which the watertable is likely to be lowered below one metre AHD on adjacent Class 1, 2, 3 or 4 lands.

The Proposal would involve excavation and soil disturbance for levelling and foundations, however excavations are unlikely to be greater than two metres deep or lower the watertable, and as such it is not considered that an Acid Sulfate Soil Management Plan will be required.

5.11.3 Earthworks

The proposed works would require stripping of the topsoil and foundation excavations; however, significant earthworks are not expected, and ground disturbance would be localised. The earthworks required would not impact on existing drainage patterns. No changes to soil stability are expected. Any fill required will meet relevant standards and excavated material would be reused on-site where appropriate or disposed of at an appropriate/ approved facility.



Standard construction measures, including implementation of erosion and sedimentation control in accordance with the 'Blue Book' would be implemented to effectively avoid, minimise or mitigate any potential impacts. An appropriate erosion and sedimentation control plan is to be prepared for works and effectively implemented by the contractor. Specific safeguard measures are outlined in the following section.

5.11.4 Erosion and Sediment Control (Construction Period)

The works area is located on relatively flat land and therefore risks relating to erosion and sediment control are considered low. Regardless, there are stormwater drains on adjacent streets which could act as conduits for sediment laden runoff and or erosion if not safeguards are not in place. Soil and erosion control procedures and devices will be required to be provided during construction. Controls are to be in line with relevant authorities. This will include Clarence valley Council requirements, the EPA and *Managing Urban Stormwater Soils and Construction* ("the Blue Book"). An erosion and sediment control plan in accordance with the Blue Book will be prepared by a qualified person prior to works commencing and this will be implemented on-site.

5.11.5 Safeguards and Management Measures

The following measures will be implemented in order to prevent adverse soil and water impacts:

- An erosion and sediment control plan in accordance with the Blue Book will be prepared by a qualified person prior to works commencing and this will be implemented on-site;
- No work is to commence prior to installation of appropriate sediment and erosion controls;
- Erosion and sediment controls are to be checked and maintained on a regular basis (including clearing of sediment from behind barriers) and records kept and provided on request;
- Erosion and sediment control measures are not to be removed until the works are complete, or areas are stabilised.

5.12 Infrastructure and Services

5.12.1 Electrical


The power supply for the proposed building shall be fed from the existing Main Switchboard (MSB) that supplies the existing gallery building.

5.12.2 Water Supply

Mains water is to be supplied from Local Authority mains water network. While the proposal will potentially result in additional visitors to the site and additional toilet facilities, the proposal does not include an increase in kitchen facilities and a substantial increase in demand on Council's water supply is not expected.

5.12.3 Sewer

An existing gravity sewer line transects the rear of Lot 3 DP 38033. To conform with requirements of the associated easement, the sewer line would require relocating to the northern property boundary (i.e. adjacent to Robinson Avenue). While the proposal will potentially result in additional visitors to the



site, and some additional toilet facilities, a substantial increase in demand on Council's water supply/ sewer services is not expected.

5.12.4 Lighting

External lighting will be provided in require places for safety and security, as required. The design of the external lighting will be carried out in accordance with AS 4282 - 1997 "Control of the obtrusive effects of outdoor lighting" in relation to the impact of obtrusive light. The standard is written to control both the levels of light and glare. It is not anticipated that the development will have any adverse lighting impacts.

5.13 Waste

5.13.1 Construction Waste

The construction and refurbishment works will result in waste from, but not necessarily limited to:

- Sediment spoils from earthworks;
- Vegetation waste;
- Demolition waste including potentially hazardous materials (refer **Section 6.6** for further details);
- Construction and building waste;
- Packaging and general waste.

A Demolition/ Construction Waste Management Plan will be prepared prior to the commencement of works. The Waste Management Plan will include measures that:

- Educate and encourage the separation of recyclable materials for reuse elsewhere.
- Encourage waste reduction practices such as safe storage of materials to avoid damage.
- Minimise the use of packaging materials.
- Dispose of general waste that is not recyclable at an approved Waste Management Facility.
- Reuse of clean sediment spoils would be used on-site where required and appropriate and dispose of unclean or excess spoil at an approved facility.
- Mulching of vegetation for reuse within the site where appropriate or disposal at an approved facility.

5.13.2 Operational Waste

The current waste management arrangements and practices will not be affected as part of the proposal. Management of waste during the operational phase of the project will continue to be via Council's kerbside collection service. The Gallery will use the kerbside collection service in Robinson Avenue for one red, one yellow and one green bin and the rest of the bins will be collected in Fitzroy Street. A total of 15 wheelie bins (six red, six yellow and three green) is proposed or use during operations of the Gallery.



5.13.3 Safeguards and Management Measures

The following measures will be implemented in order to prevent adverse impacts in relation to waste generated by the proposed works:

- A Demolition/ Construction Waste Management Plan will be prepared prior to the commencement of works. The Waste Management Plan will be prepared in accordance with DECCW's "Waste Classification Guidelines (2008)" and the *Protection of the Environment Operations Act 1997*.
- Resource management hierarchy principles are to be followed:
 - avoid unnecessary resource consumption;
 - undertake resource recovery, including reuse of materials, reprocessing, recycling and energy recovery; and
 - undertake disposal as a last resort.
- No materials will be used in a manner that will pose a risk to public safety and waste generated from the proposed works will be recycled where possible.
- Unnecessary resource consumption will be avoided.
- Wastes will be collected and disposed of, or recycled, in accordance with Council waste disposal protocols and OEH guidelines.

5.14 Socio-economic

The Proposal will see valuable improvements to the community facility and arts and cultural industry for the Grafton locality and Clarence region.

The works could indirectly affect residents or sensitive receivers through potential minor and temporary traffic disruption and noise during the construction period, as well as visual modification to the site. However, these would only cause minor disruptions/ impacts and would be managed through implementation of effective management measures and safeguards. The building design is appropriately sympathetic to the heritage values of the site and locality, whilst also suitably responding to the residential context. No businesses are expected to be significantly affected.

The benefits of the Proposal support positive socio-economic outcomes by:

- Contributing to improved and expanded community and cultural services.
- Providing high-quality and contemporary standard arts and cultural facilities, including important safe storage for art collections during flood events.
- Recognising and facilitating the value and community benefit in the arts and cultural facilities for the local and regional community.
- Facilitating an improved capacity to attract and support a variety of art and cultural related activity.

The Proposal will also inject capital investment into the region which will stimulate employment and have positive economic multiplier effects.

5.15 Building Code of Australia

The proposed development would be designed and constructed to be capable of satisfying the requirements of the Building Code of Australia 2016 and Access to Premises Standards.



5.16 Development and Cumulative Impacts

Clause 79C(1)(b) of the EP&A Act requires consideration of the potential impacts of the development. The potential impacts of the development are identified and discussed throughout **Section 5** of this SEE. The SEE concludes that the proposed alternations and additions will not result in any significant environmental or amenity related impacts.

The development will have minimal impacts on the natural environment, and any potential impacts can be effectively avoided or minimised through the implementation of safeguards and mitigation measures. The site is urban land, is modified from its natural state, and is not environmentally sensitive. Vegetation removal or trimming is limited to few ornamentally plantings within the site.

Short-term physical construction impacts can be adequately addressed through the use of management controls including soil and water and standard construction noise measures within and around the development site.

In terms of social and economic impacts, the development will result in the provision of improved and high-quality cultural facilities for the Grafton and Clearance community. No economic dis-benefit to Council or the community is expected.

The Proposal is moderate in scale and affects an already highly developed site. It is possible that the activity could add to a number of cumulative impacts in a minor way, including resource consumption and generation of greenhouse gas emissions. However, the mitigation measures stated within **Section 5** would effectively minimise the extent to which the Proposal contributes to cumulative environmental impacts.

5.17 Ecologically Sustainable Development

5.17.1 Principles of Ecologically Sustainable Development

The Proposal has also been assessed against the Ecologically Sustainable Development (ESD) principles outlined in Schedule 2 of the EP&A Regulation 2000 which is summarised below.

5.17.1.1 *The precautionary principle*

Schedule 2 of the EP&A Regulation 2000 states that 'the precautionary principle', namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- 'Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment.
- An assessment of the risk-weighted consequences of various options'.

In the case of the Proposal, the precautionary principle has been applied in the Environmental Assessment undertaken for the Proposal. Potential environmental impacts of the Proposal would be minor due to the context and the nature of the works which are restricted to the existing urban and disturbed site. The Proposal is required to address the need to upgrade and expand the art and cultural facilities to a modern contemporary standard and benefits the local community. All works would be undertaken in accordance with the safeguards outlined in this SEE.



5.17.1.2 *Intergenerational equity*

Schedule 2 of the EP&A Regulation 2000 defines inter-generational equity as “*the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations*”.

The Proposal would not significantly affect the viability of local or threatened species, or any EECs. Therefore, local biodiversity values would not be substantially adversely affected by the Proposal and would be maintained for future generations. The works would provide for an improved art and cultural facilities for the Grafton community. Overall, the Proposal has socio-economic benefits with environmental or amenity related minimal impact.

5.17.1.3 *Conservation of biological diversity and ecological integrity*

Schedule 2 of the EP&A Regulation 2000 requires the “*conservation of biological diversity and ecological integrity*”, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.

The impacts to ecological integrity and conservation of biological diversity at the site have been assessed as part of this SEE. No threatened species, endangered populations or EECs are likely to be significantly affected by the Proposal. No populations of native species are likely to be made locally rare or unviable as a result of the Proposal. Consequently, the ecological integrity and biological diversity would be maintained at the site.

5.17.1.4 *Improved valuation, pricing and incentive mechanisms*

The following principles of valuation, pricing and incentive as per Schedule 2 of the EP&A Regulation 2000 are acknowledged as part of this review:

- Polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement.
- The users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste.
- Environmental goals, having been established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

This SEE has undertaken an assessment of potential impacts and consequently has developed a set of mitigation measures and safeguards to ensure sound environmental practices and outcomes. The Proposal would be undertaken in a manner to ensure reasonable environmental outcomes.



6. Conclusion

The proposed development is permissible with consent under Clarence Valley Local Environmental Plan 2011. It is consistent with the development standards applicable within the Clarence Valley Local Government Area, including relevant State Environmental Planning Policies and the objectives and provisions of the Development Control Plan.

The Proposal represents orderly infill development and the provision of upgraded and valued cultural services/ facilities for the community in a suitable location and as part of an existing community facility in the form of an art gallery.

The development is considered to be compatible in the local context and adequately sympathetic to the heritage values of the site and conservation area.

The assessment has identified and determined the Proposal can be accommodated and would not result in significant adverse environmental or amenity impacts. The design response has taken into account the context, including heritage values and residential amenity, and has achieved an acceptable balance and outcome.

The proposed works would be undertaken in accordance with standard construction management measures and any conditions of consent to avoid and minimise impacts during construction.

Overall, the site is well suited to support the proposed Grafton Regional Gallery upgrade, and this would further the community benefit and cultural offering. It is therefore considered that the subject application deserves favourable consideration.



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Appendix A

Proposed Plans

GRAFTON REGIONAL ART GALLERY

- A01

SITE PLAN
- A02

GROUND FLOOR PLAN A
- A03

GROUND FLOOR PLAN B
- A04

FIRST FLOOR PLAN
- A05

ELEVATIONS AND SECTIONS
- A06

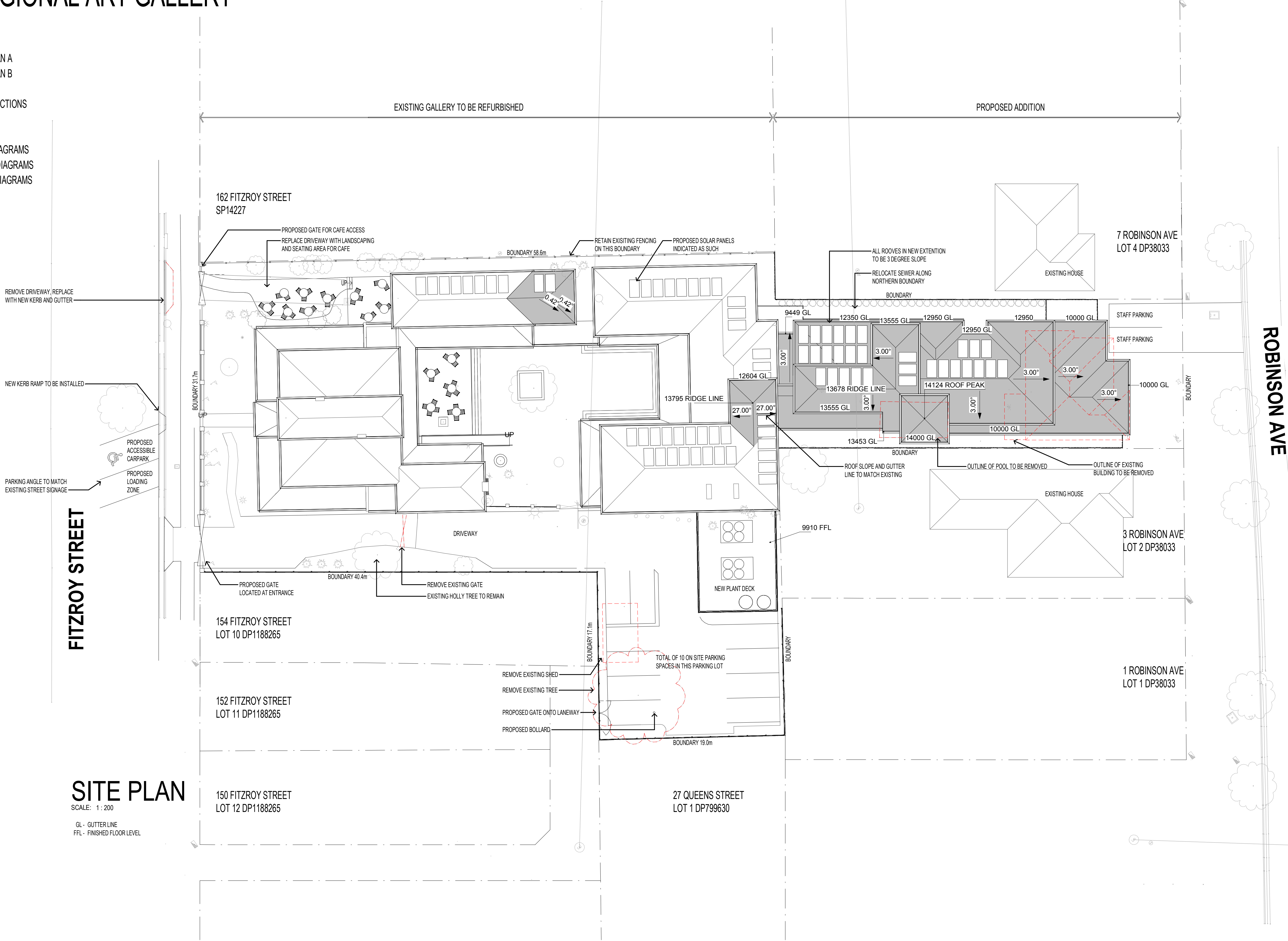
3D FLOOR LAYOUTS
- A07

3D OVERALL
- A08

WINTER SHADOW DIAGRAMS
- A09

EQUINOX SHADOW DIAGRAMS
- A10

SUMMER SHADOW DIAGRAMS



SITE PLAN

SCALE: 1 : 200
GL - GUTTER LINE
FFL - FINISHED FLOOR LEVEL

GRAFTON REGIONAL ART GALLERY

LOT B DP359677 & LOT 3 DP38033
158 FITZROY STREET, GRAFTON. NSW. 2460

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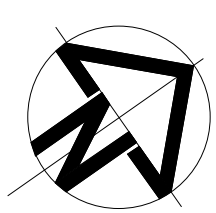
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plotted 29/11/18
approved WS
drawn AF

job No 18024
drawing number A01
revision D

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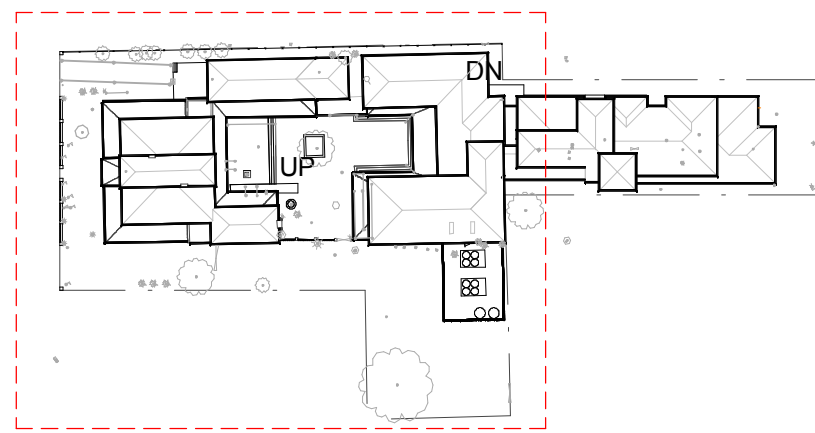
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154 FITZROY STREET
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GROUND FLOOR PLAN A

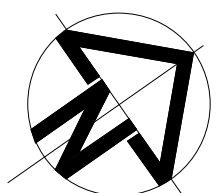
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PROPOSED GATE ONTO LANEWAY

PROPOSED BOLLARD

north



Drawing:

GROUND FLOOR PLAN A

scale

As indicated

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job No

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drawing number

A02

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GRAFTON REGIONAL ART GALLERY

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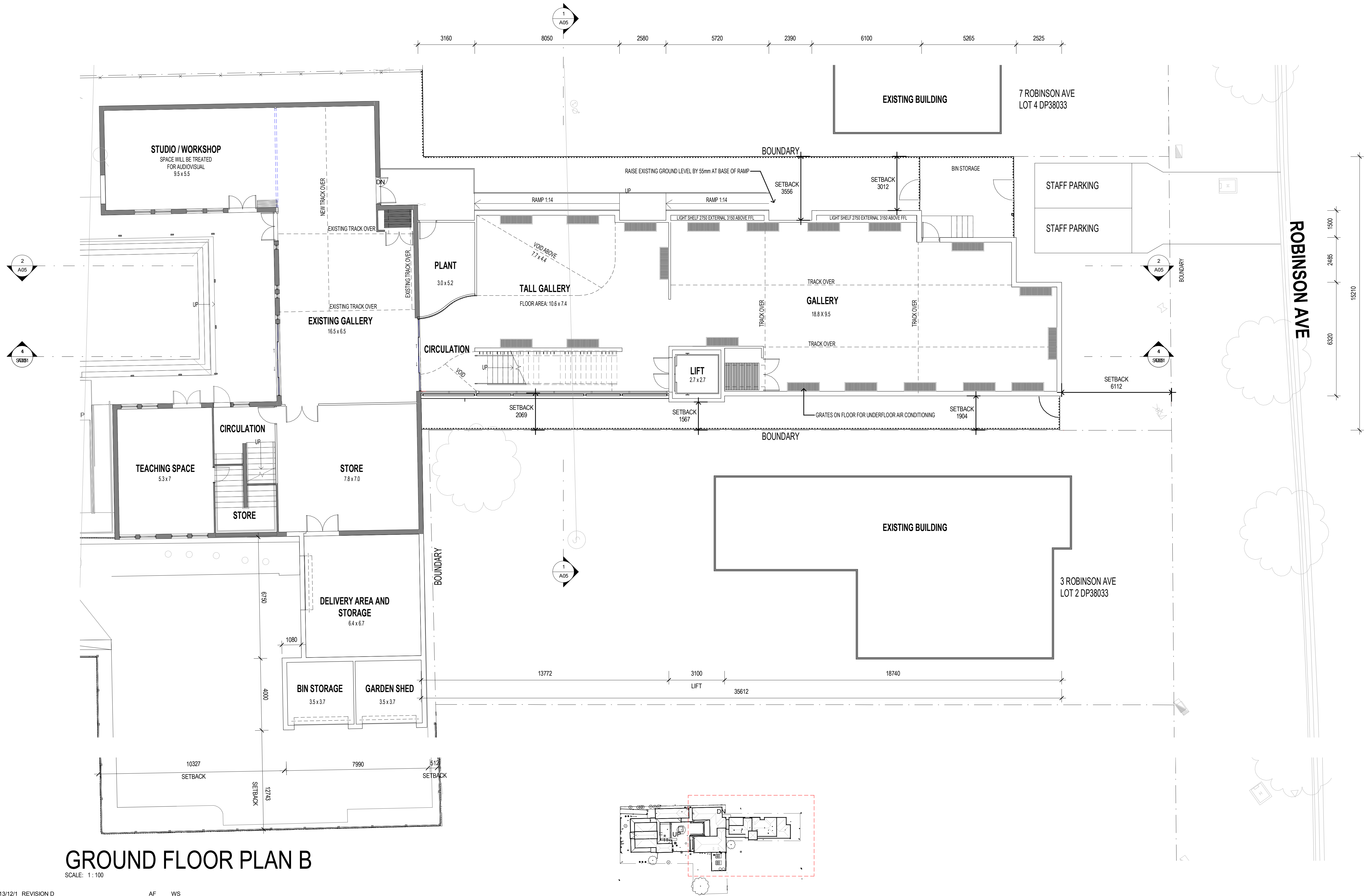
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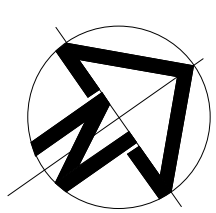
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GROUND FLOOR PLAN B

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As indicated

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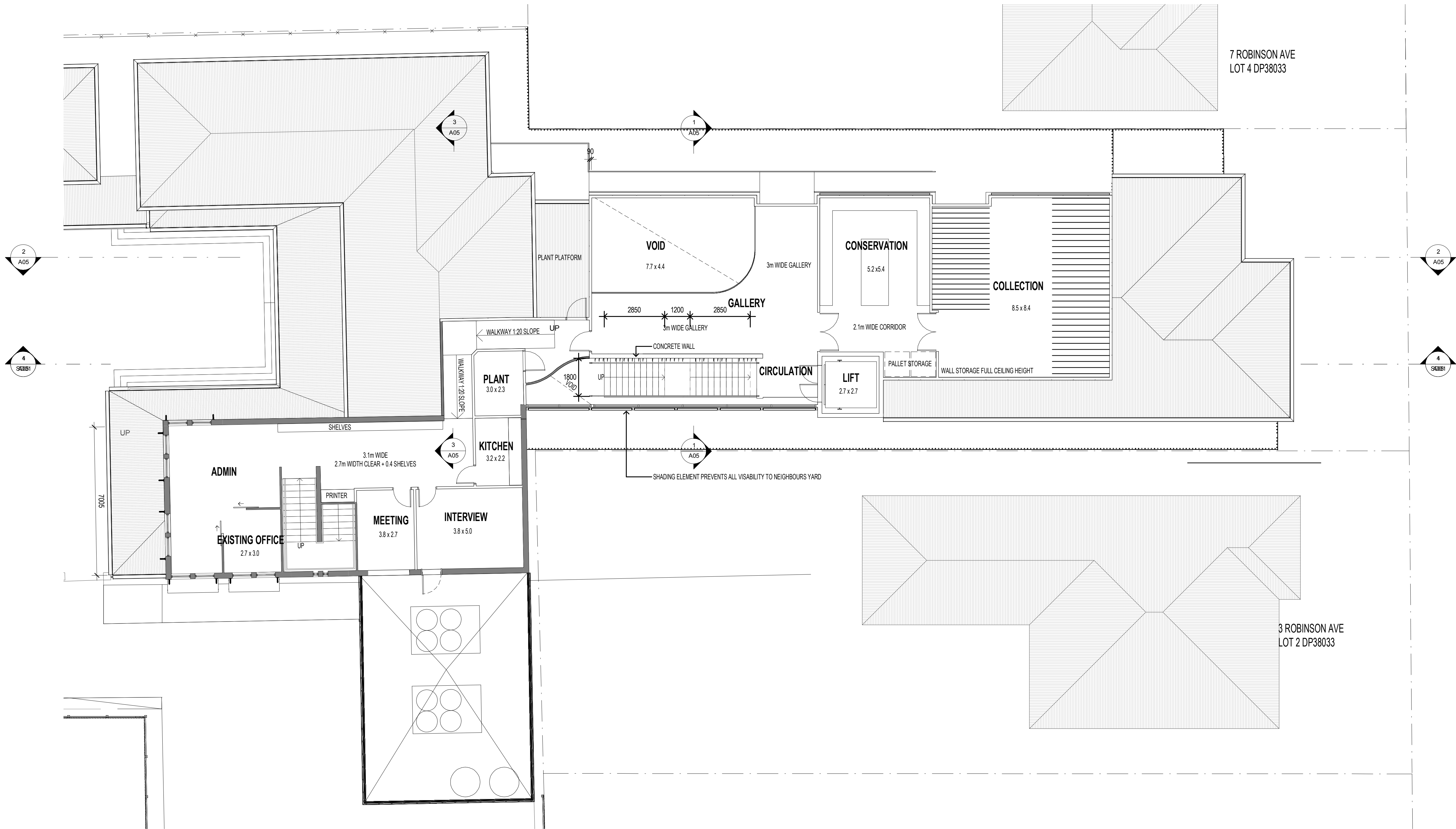
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FIRST FLOOR PLAN

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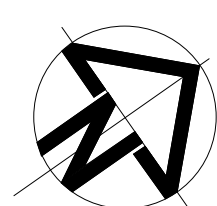


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29/11/18

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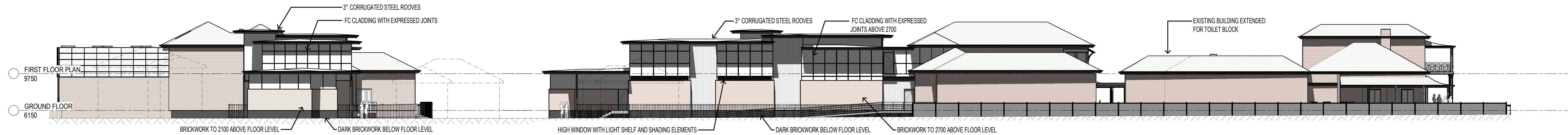
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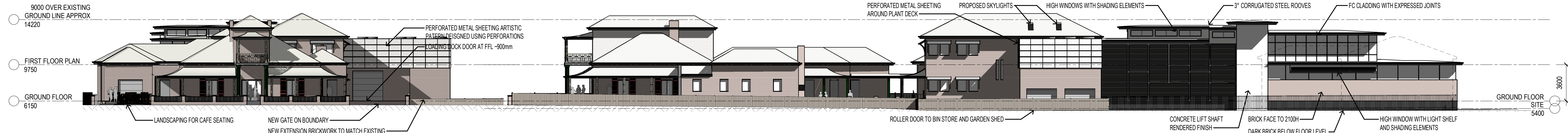
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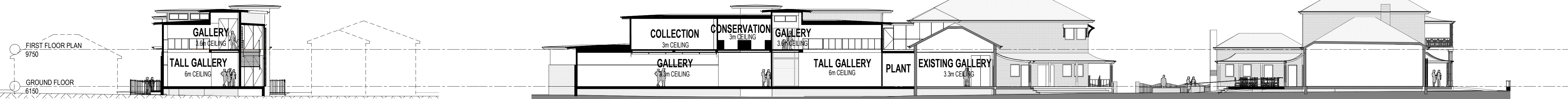
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WEST ELEVATION
SCALE: 1 : 200



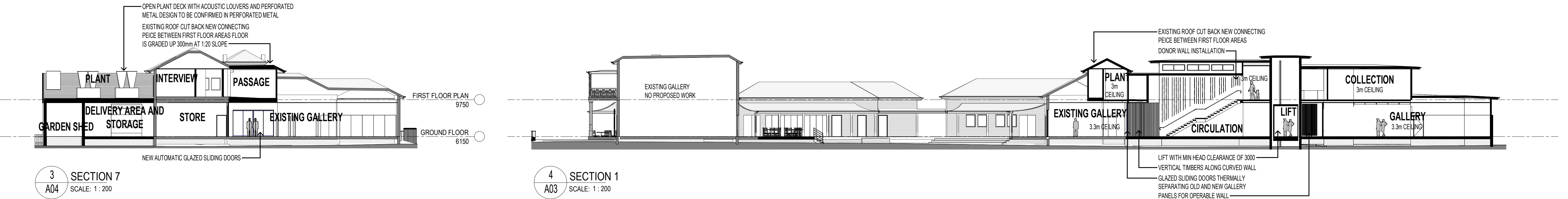
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2 SECTION
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3 SECTION 7
A04 SCALE: 1 : 200

4 SECTION 1
A03 SCALE: 1 : 200

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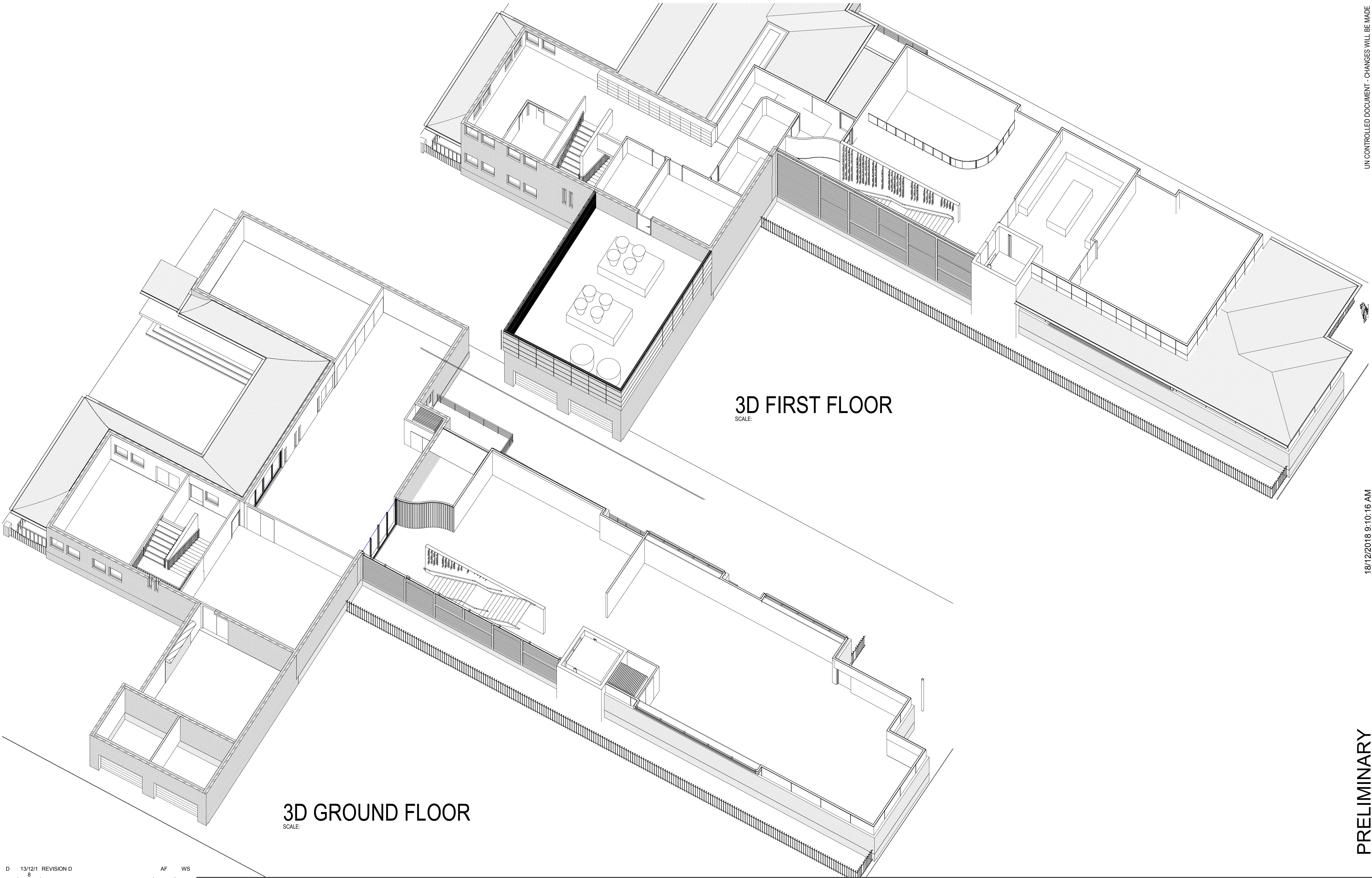
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Drawing: ELEVATIONS AND SECTIONS

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3D FIRST FLOOR

SCALE:

3D GROUND FLOOR

SCALE:

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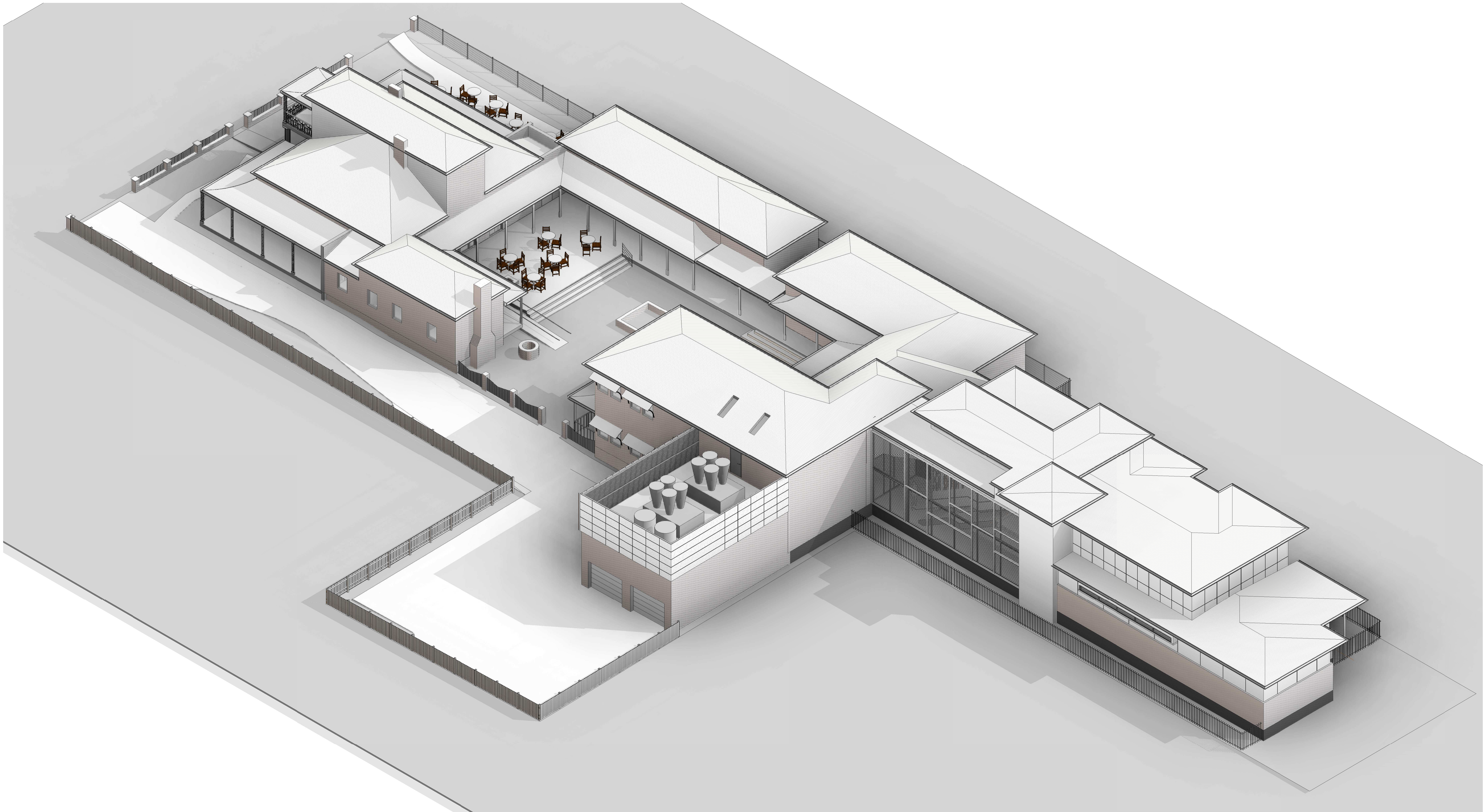
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3D OVERALL

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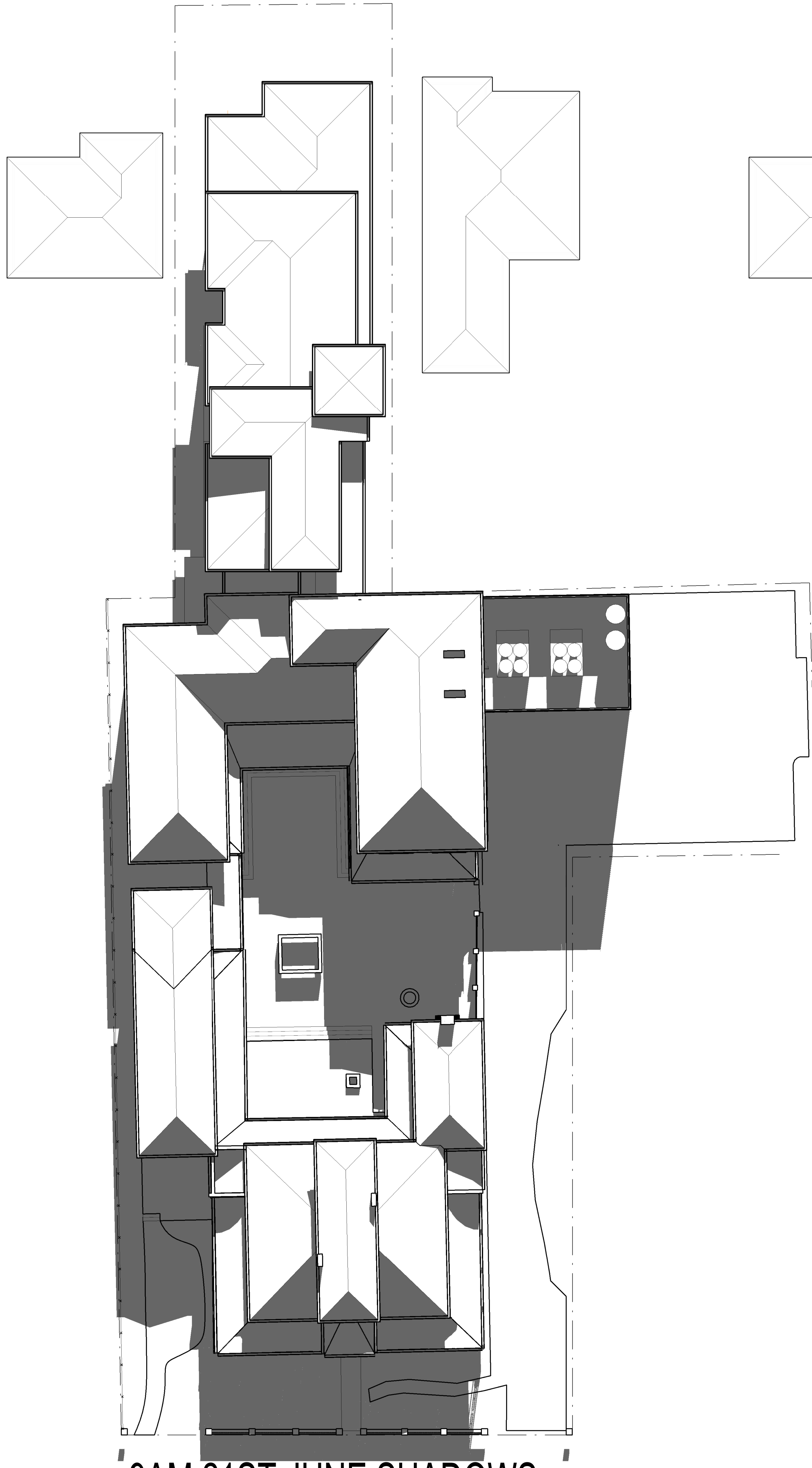
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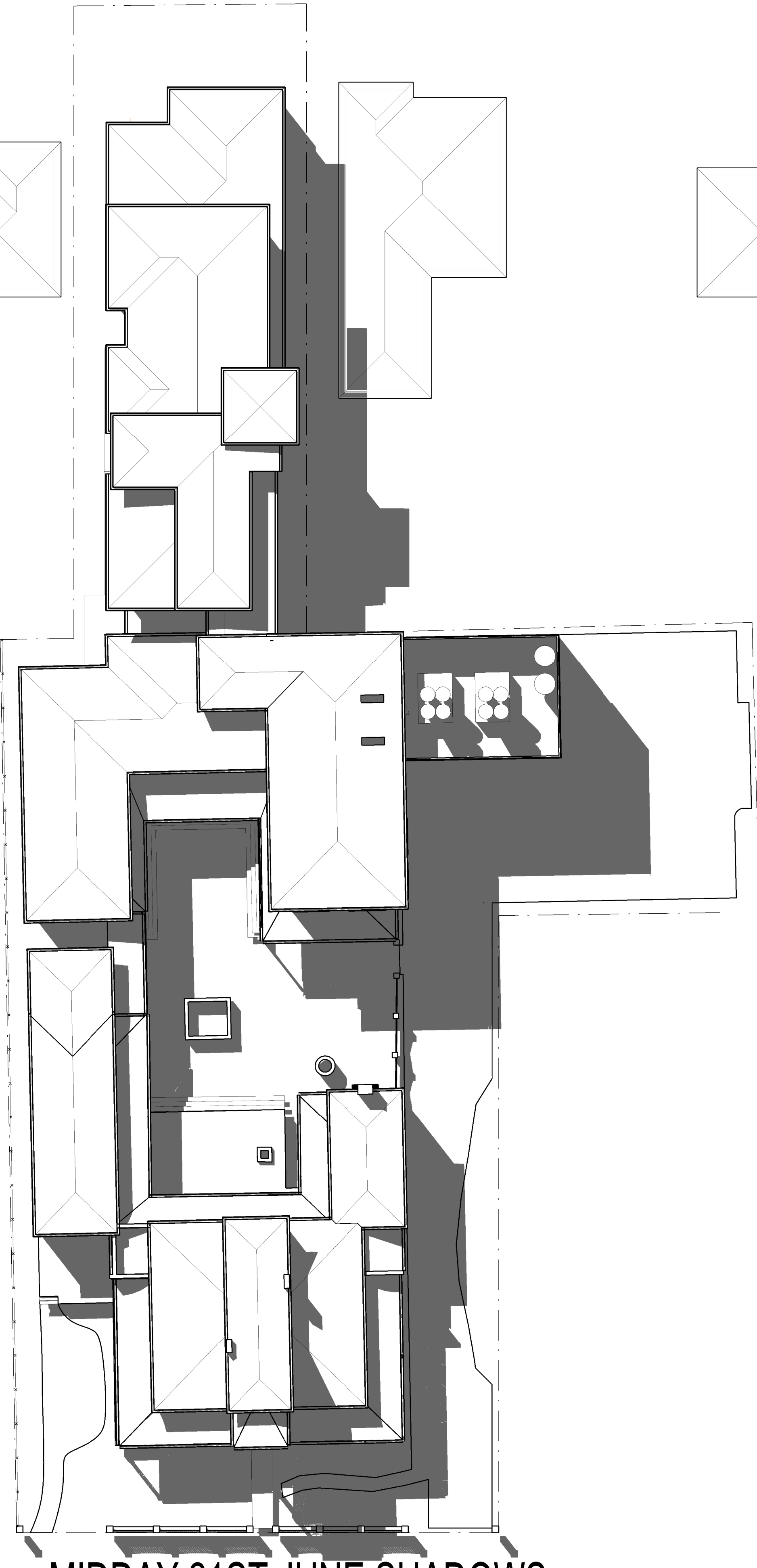
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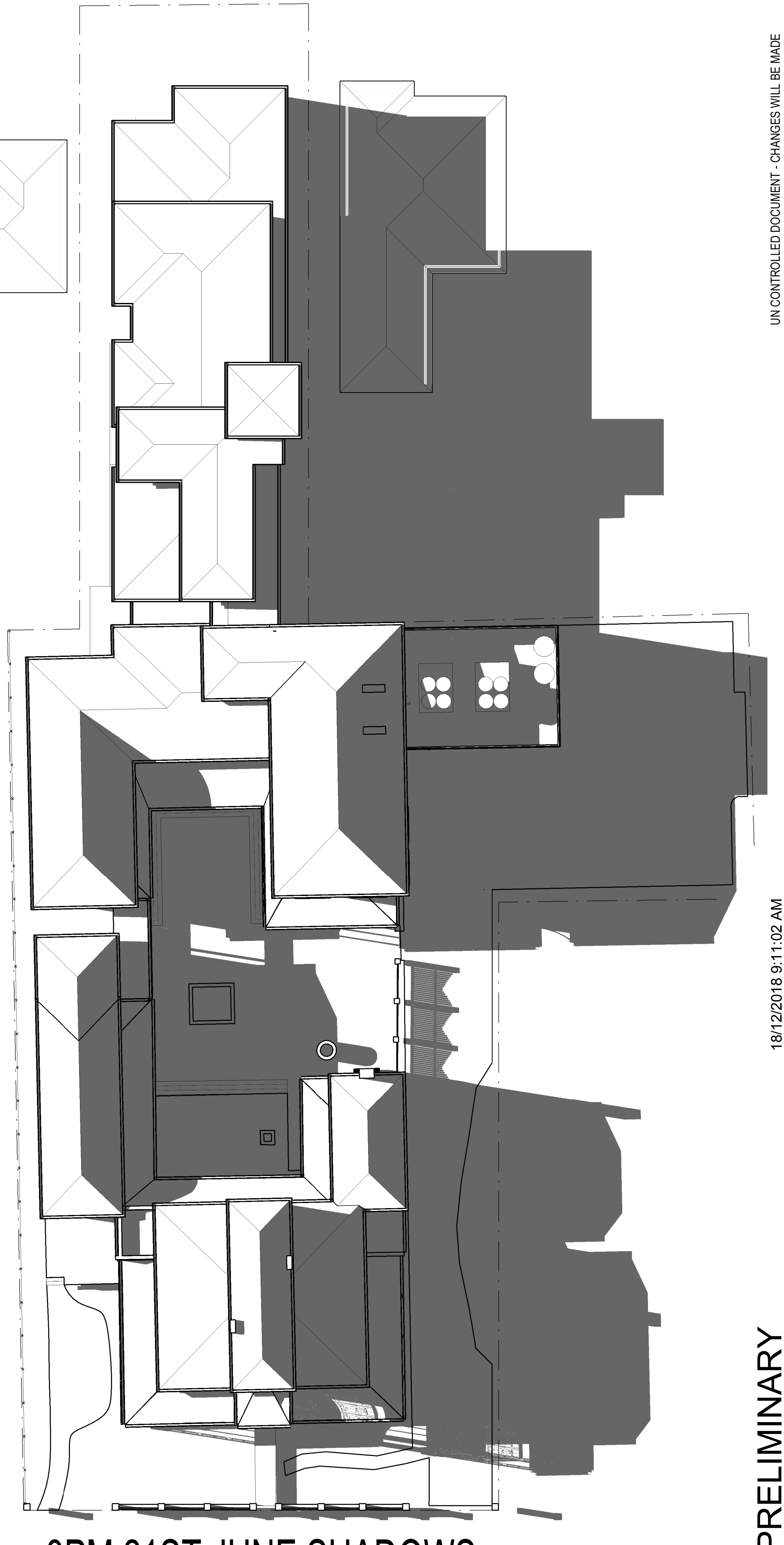
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9AM 21ST JUNE SHADOWS



MIDDAY 21ST JUNE SHADOWS



3PM 21ST JUNE SHADOWS

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Drawing: **WINTER SHADOW DIAGRAMS**

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approved	WS	drawn	AF	18024	A08	D



9AM 21ST MARCH/SEPT SHADOWS

MIDDAY 21ST MARCH/SEPT SHADOWS

3PM 21ST MARCH/SEPT SHADOWS

GRAFTON REGIONAL ART GALLERY

LOT B DP359677 & LOT 3 DP38033
158 FITZROY STREET, GRAFTON. NSW. 2460

D	13/12/18	REVISION D	AF	WS
C	25/10/18	REVISION C	AF	WS
revision	date	details	initials	checked
APPROVED		DESIGN MANAGER	DATE	/ /
1:100	0	10	20	30
A1 @	1:200	0	20	40
			60	80
			100	120
			140	160
			180	200

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GRAFTON REGIONAL GALLERY - LANDSCAPE DESIGN DEVELOPMENT APPLICATION

3145/01	Cover Sheet
3145/02	Entry and Cafe
3145/03	Central Courtyard
3145/04	Alleyway
3145/05	Robinson Avenue
3145/06	Indicative Images and Species

LANDSCAPE STATEMENT

The overall philosophy directing the landscape design is one which retains the character of the existing gardens whilst creating interactive and relaxing outdoor spaces.

ENTRY GARDENS AND CAFE

The landscaping will be sensitive to the surrounding character whilst maintaining the existing style and species selection. Minor alterations to the garden paths will facilitate passive interaction with the garden spaces.

The café area will utilise a mix of techniques with medium trees at the entry, raised planter with integrated seating for informal seating when the café is closed, and a trellis system providing a visual screen to the neighbouring property to create an intimate space.

CENTRAL COURTYARD

Landscaping in the courtyard is currently created by numerous pots with a mix of species and a large tree in the centre of the courtyard provides natural shade and creates a pleasant space. Assessment should be made of the trees life cycle and if required replace with an advanced tree which will, in time create a similar canopy cover.

To create a synergy between the gardens a raised planter with integrated seating is to be located to take advantage of the natural shade.

The removal of a grease trap will allow for a small lawn area to be created which can be used informally.

ALLEYWAY

The intention alleyway space is to create a location which can be versatile and used for a variety of events and installations.

ROBINSON AVENUE

The street frontage of Robinson Avenue is lined by Boab Trees, with the majority of the existing residences having low brick walls along their boundaries except the property of the new gallery building. The openness will be retained, and a native garden will be created to provide an element of visual interest.

DEVELOPMENT
APPLICATION

Rev.	Description	Date	Des.	App.	Chk.
Amendments					

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Project Title

Grafton Regional Gallery

Client

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Approved	RE	Date	17/12/2018	RWN
XREFs				
Scale				

metres

Drawing Title

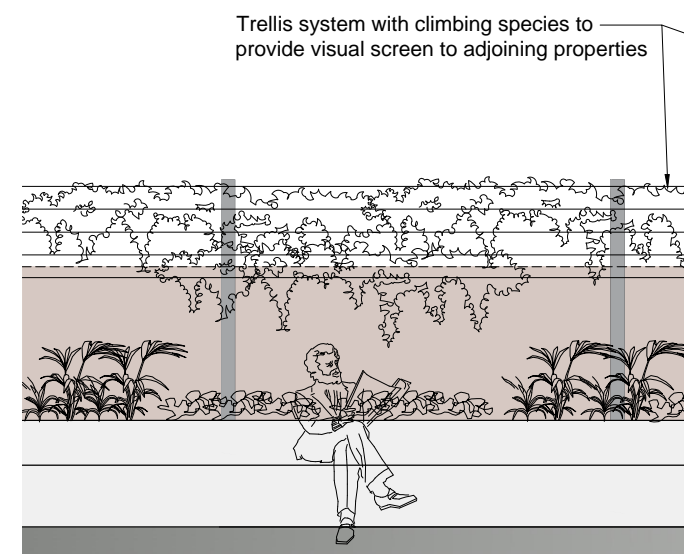
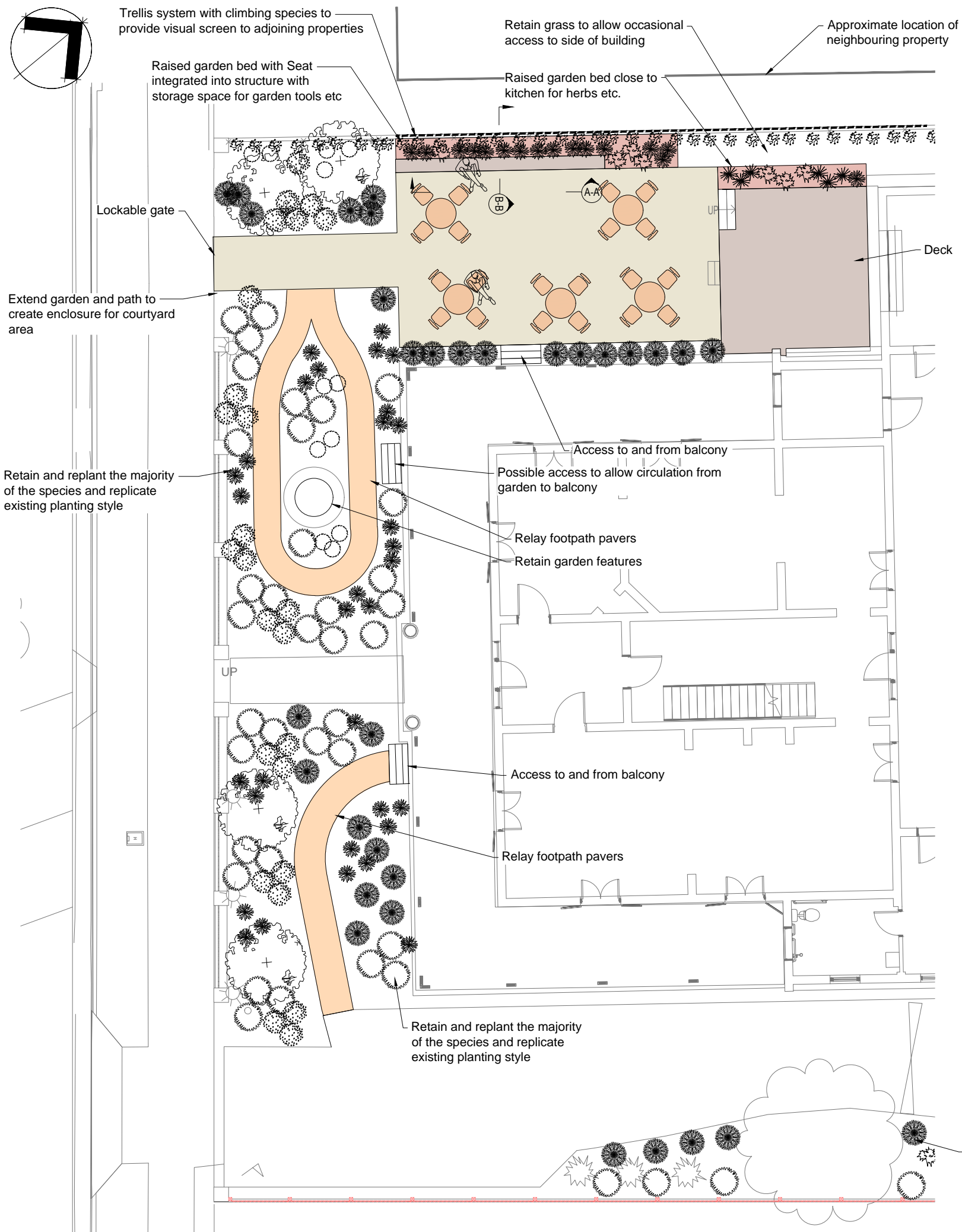
Landscape - Cover Sheet
Development Application

3145-1009

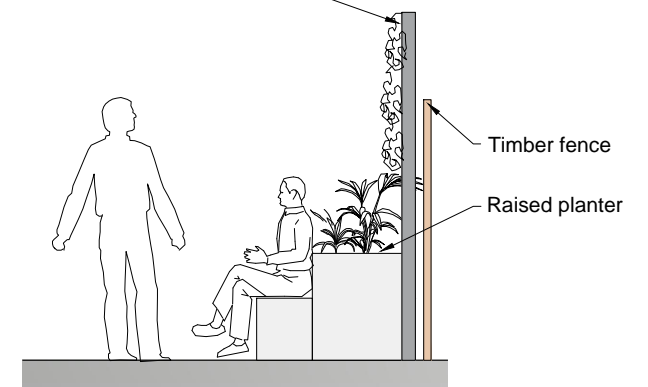
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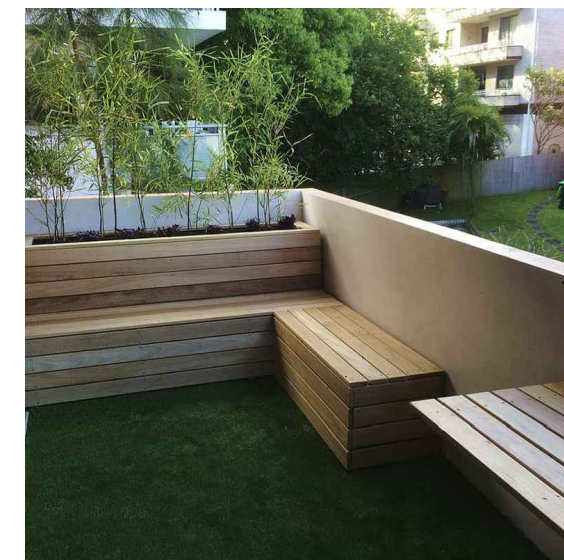


Section A-A



Section B-B

INDICATIVE IMAGES



Planter box and seating



Trellis for climbing species to provide visual screen to neighbouring properties

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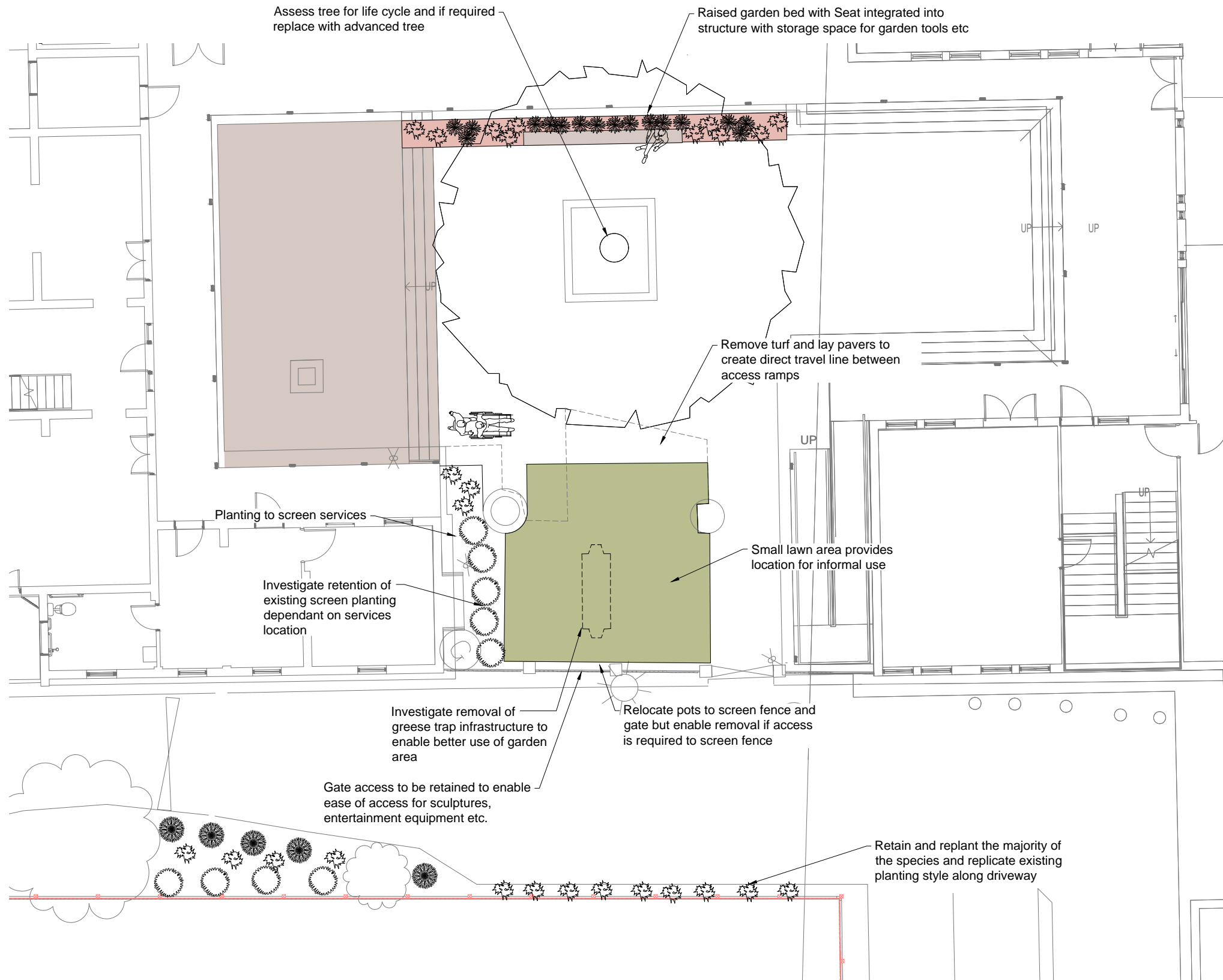
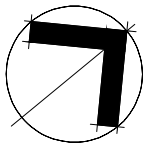
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Landscape - Entry and Café
Development Application

Drawing Number
3145/02

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INDICATIVE IMAGES
Possible replacement trees



800 litre Magnolia grandiflora 'Exmouth'



800 litre Pyrus ussuriensis

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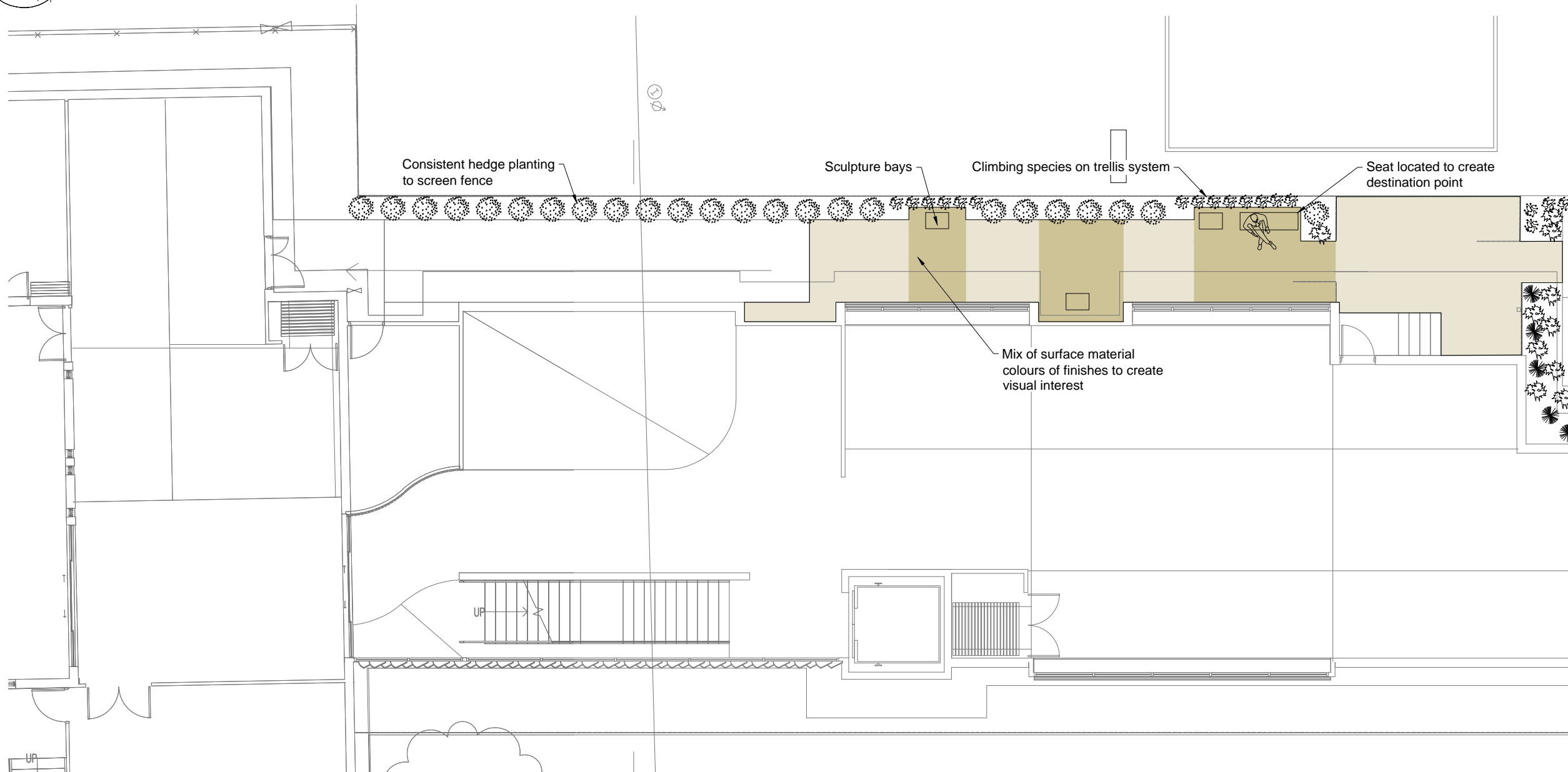
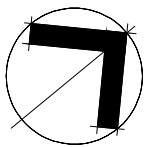
Landscape - Central Courtyard
Development Application

3145-1009

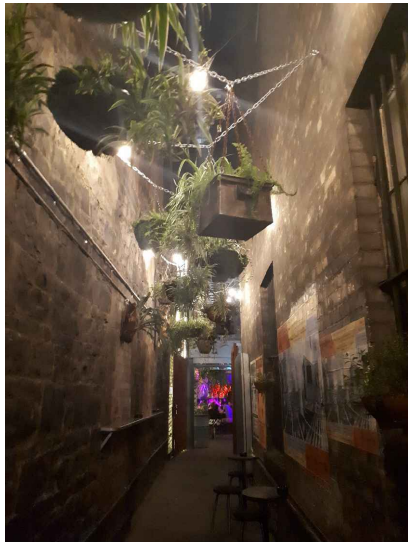
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3145/03



INDICATIVE IMAGES



Systems to be installed to enable versatile use of the alleyway space



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APPLICATION

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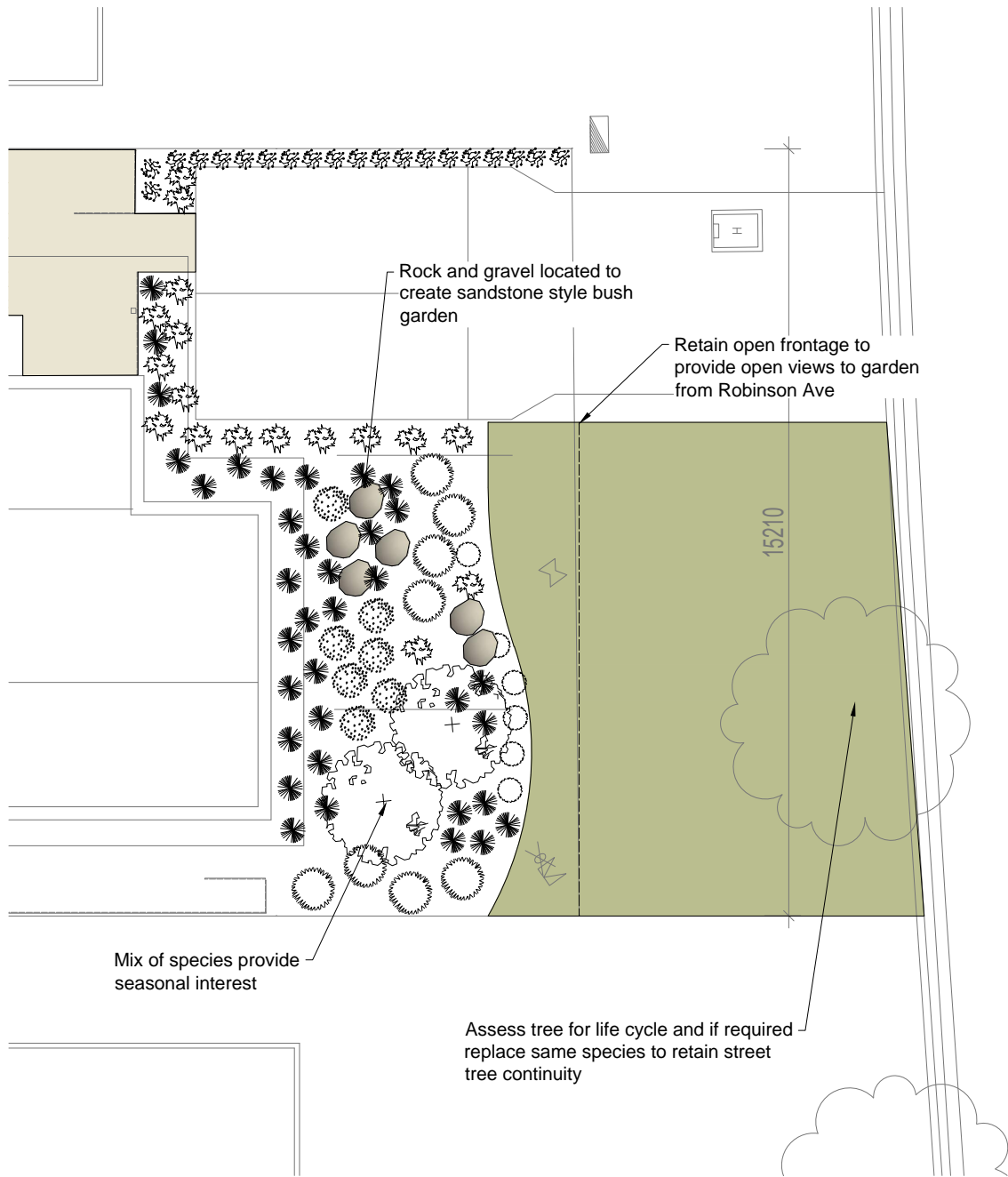
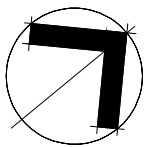
Landscape - Alleyway
Development Application

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INDICATIVE IMAGES



Mix of materials with gravel and rocks to provide alternate texture and colour

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Scale

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Drawing Title

Landscape - Robinson Avenue
Development Application

3145-1009

Drawing Number

Revision

3145/05

INDICATIVE SPECIES - GROUNDCOVER



Erigeron karvinskianus
Seaside Daisy
Height:0.3
Width: 0.8



Hibiscus trionum
Height:0.3
Width: 0.4



Hibbertia pedunculata
Guinea-flower
Height:0.2
Width: 0.4



Rhodanthe anthemoides
Chamomile Sunray
Height:0.3
Width: 0.5



Pelargonium australe
Storks Bill
Height:0.4
Width: 0.6



Xerochrysum bracteatum
Paper Daisy
Height:0.4
Width: 0.8

INDICATIVE SPECIES - SHRUBS



Cuphea hyssopifolia
Mexican Heather
Height:0.4
Width: 0.6



Grevilea Peaches and Cream
Height:1.2
Width: 1.5



Lavandula stoechas 'Avonview'
Lavender
Height:1.0
Width: 1.0



Westringia Blue Gem
Aussie Box 'WES02'
Coastal Rosemary
Height:0.8
Width: 1.2



Austromyrtus Dulcis
Midgen Berry
Height:: 1 to 1.5
Width: 1.0



Melaleuca thymifolia
Thyme Honey Myrtle
Height:: 0.8
Width: 1.0

INDICATIVE SPECIES - STRAP LEAF



Dietes bicolor
Wild Iris
Height:1.0
Width: 1.2



Poa poiformis
Tussock Grass
Height:0.8
Width: 0.5



Anigozanthos
Kangaroo Paw
Height:1.2
Width: 0.8



Patersonia occidentalis
Purple Flag
Height:1.0
Width: 0.5



Actinotus helianthi
Flannel Flower
Height:0.9
Width: 0.5



Diplarennia latifolia
White Iris
Height:1.5
Width: 1.2



Stypandra glauca
Nodding Blue Lilly
Height:0.5
Width: 0.3

INDICATIVE SPECIES - TREES



Harpulia pendula
Tulip Wood
Height: 7.5
Width: 3.5



Pyrus ussuriensis'
Flowering Pear
Height: 9
Width: 4



Magnolia grandiflora 'Exmouth'
Bull Bay Magnolia
Height: 12
Width: 5

INDICATIVE SPECIES - SCREENING



Callistemon viminalis 'CV01'
Bottle Brush
Height:3.5
Width: 1.5



Syzygium australe 'Pinnacle'
Lilly Pilly
Height: 5.0
Width: 0.8

DEVELOPMENT APPLICATION

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metres				

Drawing Title

Landscape - Indicative Species
Development Application

3145-1009

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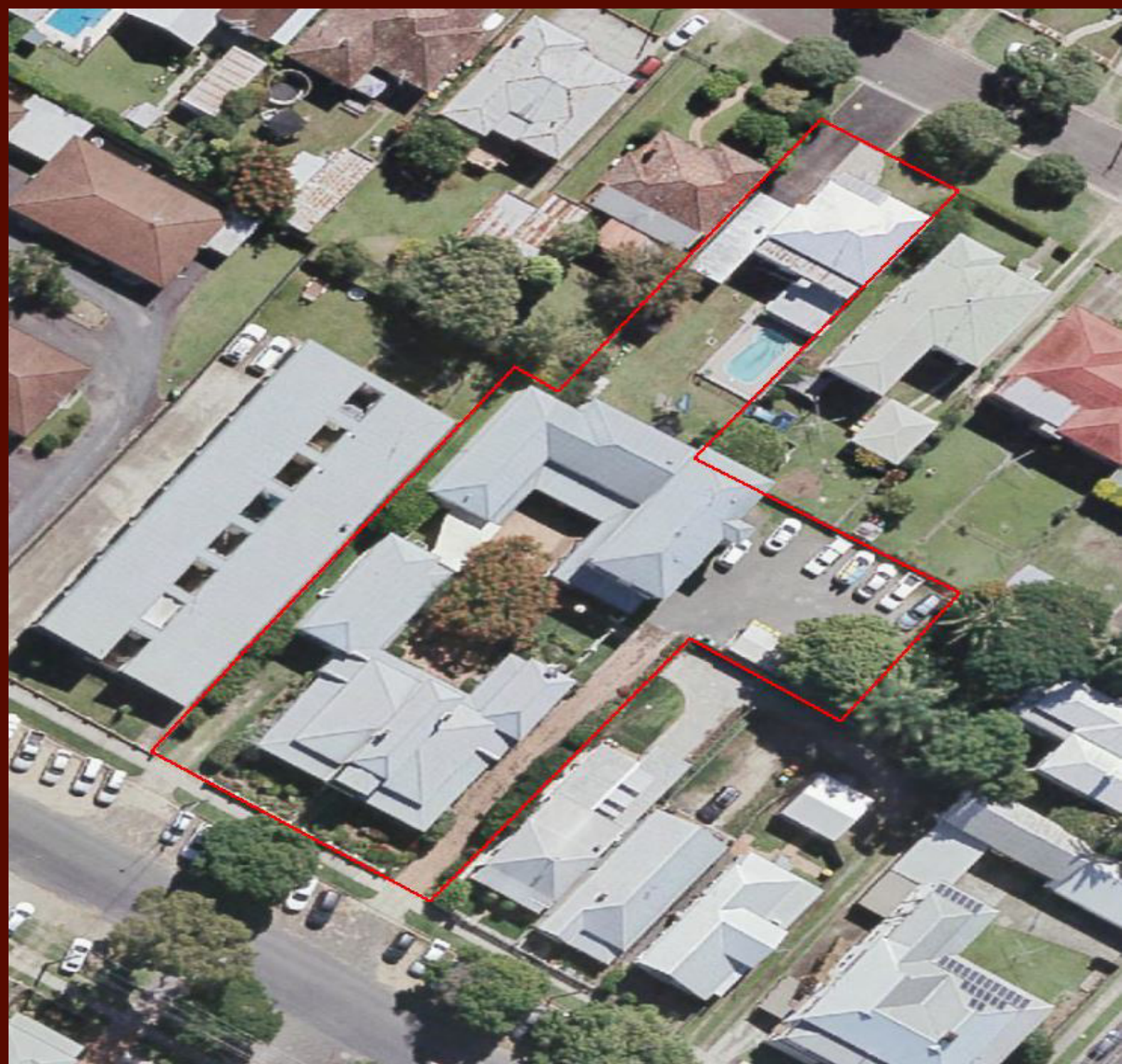
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3145/06



Appendix B

Heritage Impact Statement



GRAFTON REGIONAL GALLERY, GRAFTON NSW: STATEMENT OF HERITAGE IMPACT

PREPARED FOR DRA ARCHITECT PTY LTD

EVERICK HERITAGE CONSULTANTS
NOVEMBER 2018





Report Reference:

Hill, T, and R. Mazlin (2018) Grafton Regional Art Gallery, Grafton NSW: *Statement of Heritage Impact*. Everick Heritage Consultants Pty Ltd. Unpublished report prepared for DRA Architect Pty Ltd.

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Document Status:

Rev No.	Version	Author(s)	Amended Sections	Date	Authorised
1	Final Draft	T. Hill & R. Mazlin	All	13.11.2018	T. Robins
2	Revisions	R. Mazlin	1, 3, 7 & 8	19.11.2018	T. Robins

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EXECUTIVE SUMMARY

Everick Heritage Consultants was engaged by DRA Architects Pty Ltd on behalf of Grafton Regional Gallery (the 'Proponent'), to prepare a specialist Statement of Heritage Impact ('SOHI') to support the Development Application to extend and redevelop the Grafton Regional Art Gallery at 158 Fitzroy Street ('Prentice House') and 5 Robinson Avenue Grafton NSW (the 'Project Area'). The Proponent proposes to redevelop the Grafton Regional Gallery to include an additional gallery space on the adjacent lands at 5 Robinson Avenue. This will involve the following;

- a) Removal of the existing residential dwelling and pool at 5 Robinson Avenue and replacement with an additional wing of the Art Gallery and collections room;
- b) Construction of a delivery area, enclosed bin storage and garden shed to the east of the rear existing gallery;
- c) 2 staff carparks and an additional 10 visitor carparks;
- d) Relocation of services; and
- e) Fencing and landscaping.

The following statement of significance is based on the general comments in the Grafton Community Heritage Study and the results of the site inspection:

The construction of Prentice House represents a significant investment by private medical practitioners as Grafton developed in the late 19th century and became a regional centre supporting the growth of the Clarence Valley. The building forms part of a collection of brick buildings which are a regional variant of the Federation architecture which is typically more grandiose and larger in scale than the typical federation style weatherboard cottages of the north coast. The remaining buildings in the vicinity of the Proposed Works represent private dwellings which demonstrate design elements from the federation period and contribute to the broader heritage values of the Grafton Conservation Area. This includes the group of 3 cottages and the double story building on Fitzroy Street to the east of Prentice House and the residential dwelling at 27 Queens Street are typical of urban development around the Grafton CBD which has been identified as a key historic theme by Stubbs (2007). In particular the streetscape includes cultural plantings and buildings in close proximity to the street front and adjacent neighbours.

The Proposed Works will not result in any significant visual impacts to these heritage items. The addition of a modern architecturally designed non-residential building in the Conservation Area is not unprecedented, and there are nearby examples of commercial developments and retrofits of residential buildings for commercial operations. The potential impacts of the additional gallery space on the overall character of the Grafton Conservation Area will be mitigated by the following broad design strategies;



- Use of complex low pitch roofline to ensure the double story building is sympathetic to the rooflines of the surrounding buildings.
- Use of a mix of materials such as rendered cement walls, exposed brick, fibre cement sheet cladding, colour bond roofing which are common in the surrounding buildings.
- Creation of a curtilage which is consistent with the existing residential dwelling at 5 Robinson Avenue and sympathetic to the narrow curtilage which is common in the Conservation Area.
- Retention of existing streetscape plantings which are somewhat unique and contribute to the character of the Conservation Area.

Having consideration for the NSW Heritage Office Guidelines is concluded that a Conservation Management Plan is not required as the proposal affects only a locally significant item.



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DEFINITIONS

The following definitions apply to the terms used in this report:

CBD means Central Business District.

Heritage Act means the Heritage Act 1977 (NSW).

ICOMOS means the International Council on Monuments and Sites.

LEP means the Local Environmental Plan.

LGA means Local Government Area.

NSW means New South Wales.

OEH means the New South Wales Office of Environment and Heritage.

SOHI means Statement of Heritage Impact.

Project Area means the redevelopment and extension of the Grafton Regional Art Gallery located at 158 Fitzroy Street and 5 Robinson Avenue, Grafton NSW.

Proponent means Grafton Regional Gallery.

The Consultant means qualified archaeological staff and/or qualified heritage sub-contractors of Everick Heritage Consultants Pty Ltd.



1. INTRODUCTION

1.1 The Project

Everick Heritage Consultants was engaged by DRA Architects Pty Ltd on behalf of Grafton Regional Gallery (the 'Proponent'), to prepare a specialist Statement of Heritage Impact ('SOHI') to support the Development Application to extend and redevelop the Grafton Regional Art Gallery at 158 Fitzroy Street ('Prentice House') and 5 Robinson Avenue Grafton NSW (the "Project Area").

1.2 Proposed Works

The Proponent proposes to redevelop the Grafton Regional Gallery to include an additional gallery space on the adjacent lands at 5 Robinson Avenue. This will involve the following (see also Figure 2- Figure 4);

- a) Removal of the existing residential dwelling and pool at 5 Robinson Avenue and replacement with an additional wing of the Art Gallery and collections room;
- b) Construction of a delivery area, enclosed bin storage and garden shed to the east of the rear existing gallery;
- c) 2 staff carparks and an additional 10 visitor carparks;
- d) Relocation of services; and
- e) Fencing and landscaping.

1.3 Aims and Methodology

The methodology used for this SOHI is consistent with the Australia ICOMOS Burra Charter and the NSW Department of Planning (Heritage Division) publication, *Assessing Heritage Significance, Statements of Heritage Impact* (NSW Heritage Office, 2002). The significance assessment, together with an outline of statutory requirements, informed the impact assessment and recommendations. In accordance with the brief the assessment methodology included:

- a) primary and secondary research on the Project Area to provide a succinct historical summary of the Project area, including historical chronological mapping;
- b) desktop searches of relevant heritage registers and databases to identify listing within the Project Area;



- c) a site inspection of the subject site to evaluate all registered heritage items and identify any further unregistered heritage items;
- d) an assessment of the significance of any identified heritage items (if any) through the application of the NSW Heritage Office heritage criteria, and the NSW Heritage Branch *Assessing significance for historical archaeological sites and relics* (2009);
- e) preparation of a Statement of Heritage Impact for each identified heritage item; and
- f) writing of a report on the findings and appropriate mitigation recommendations.

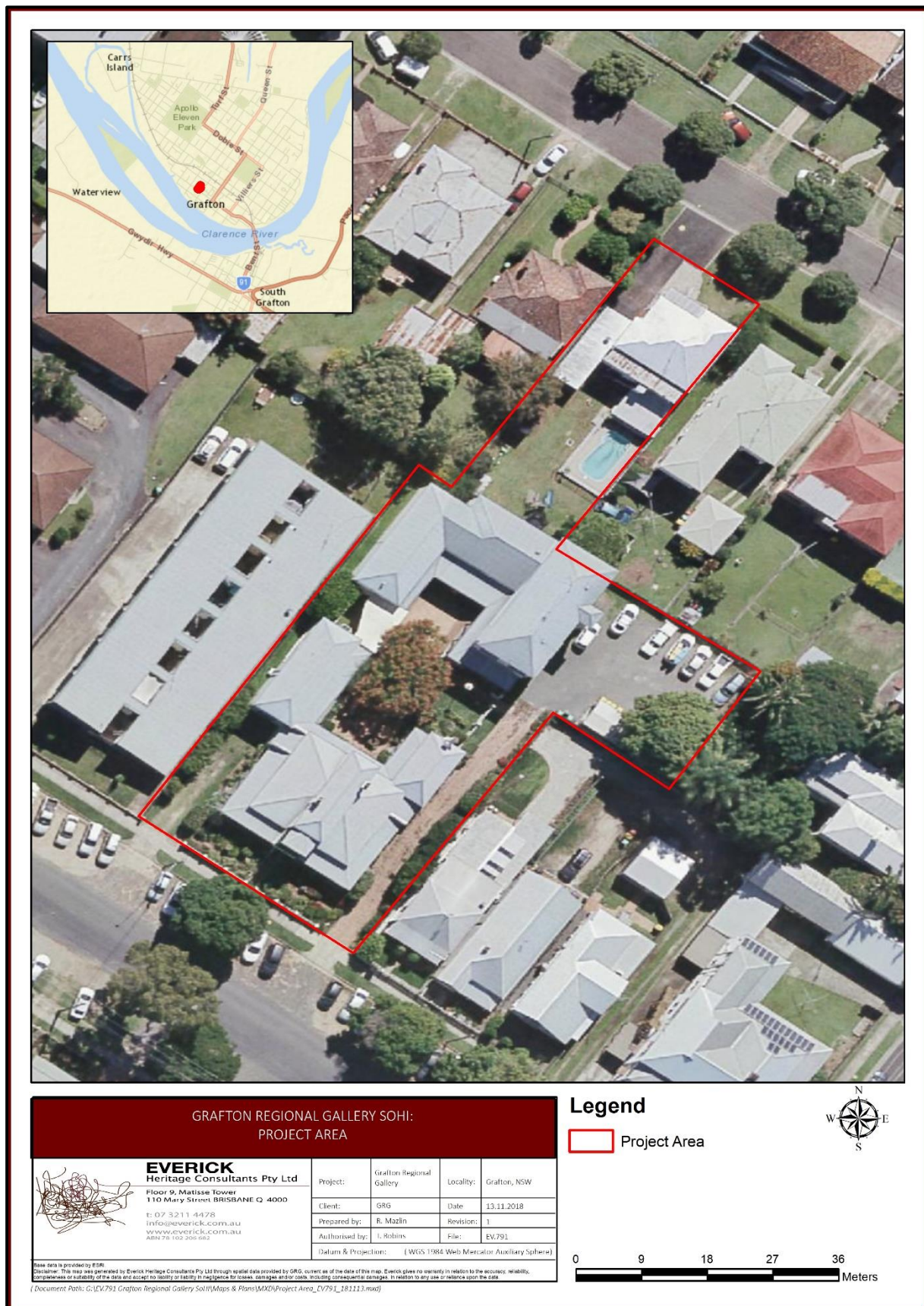


Figure 1: Grafton Regional Gallery Location.

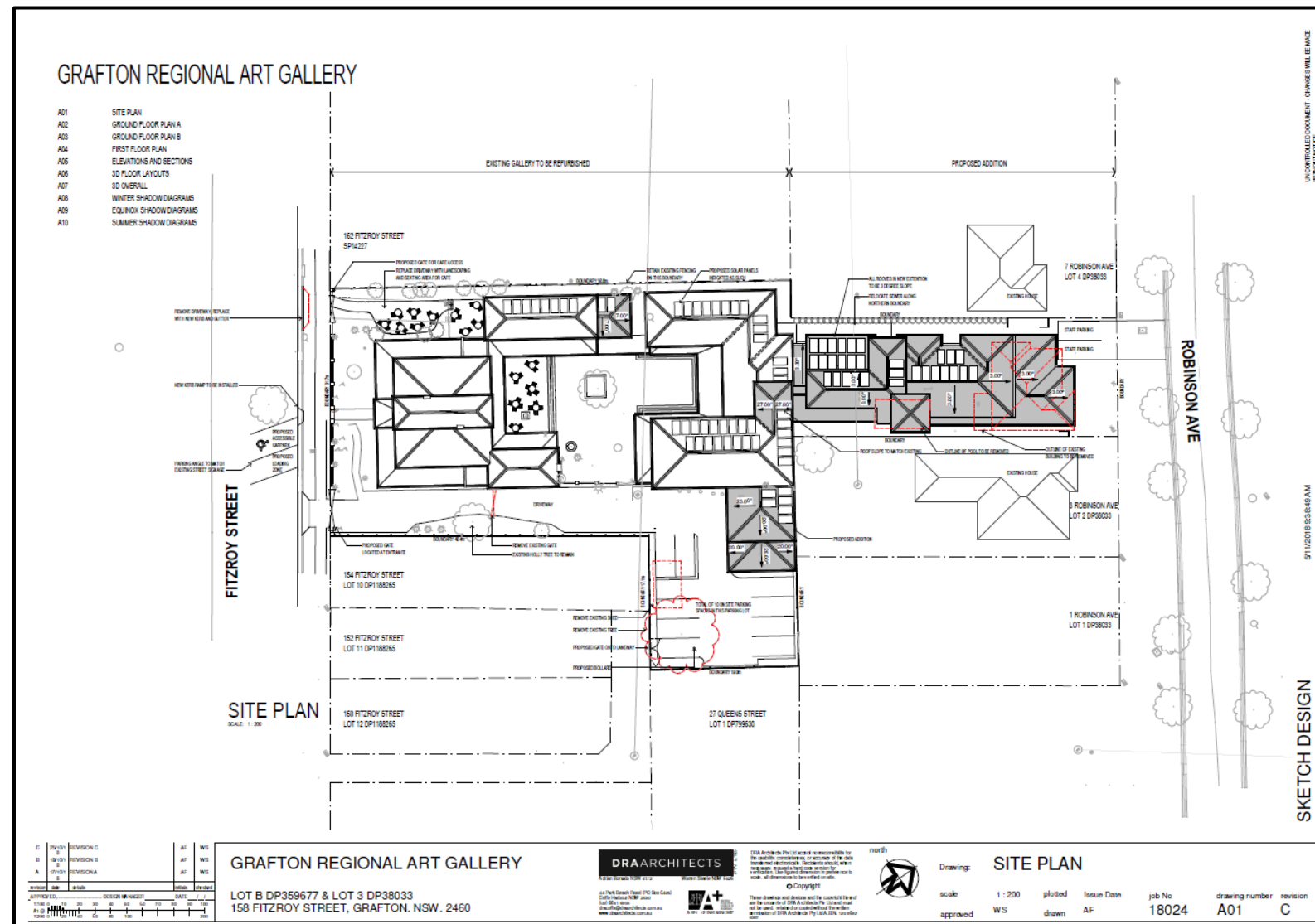


Figure 2: Overall design of extension.

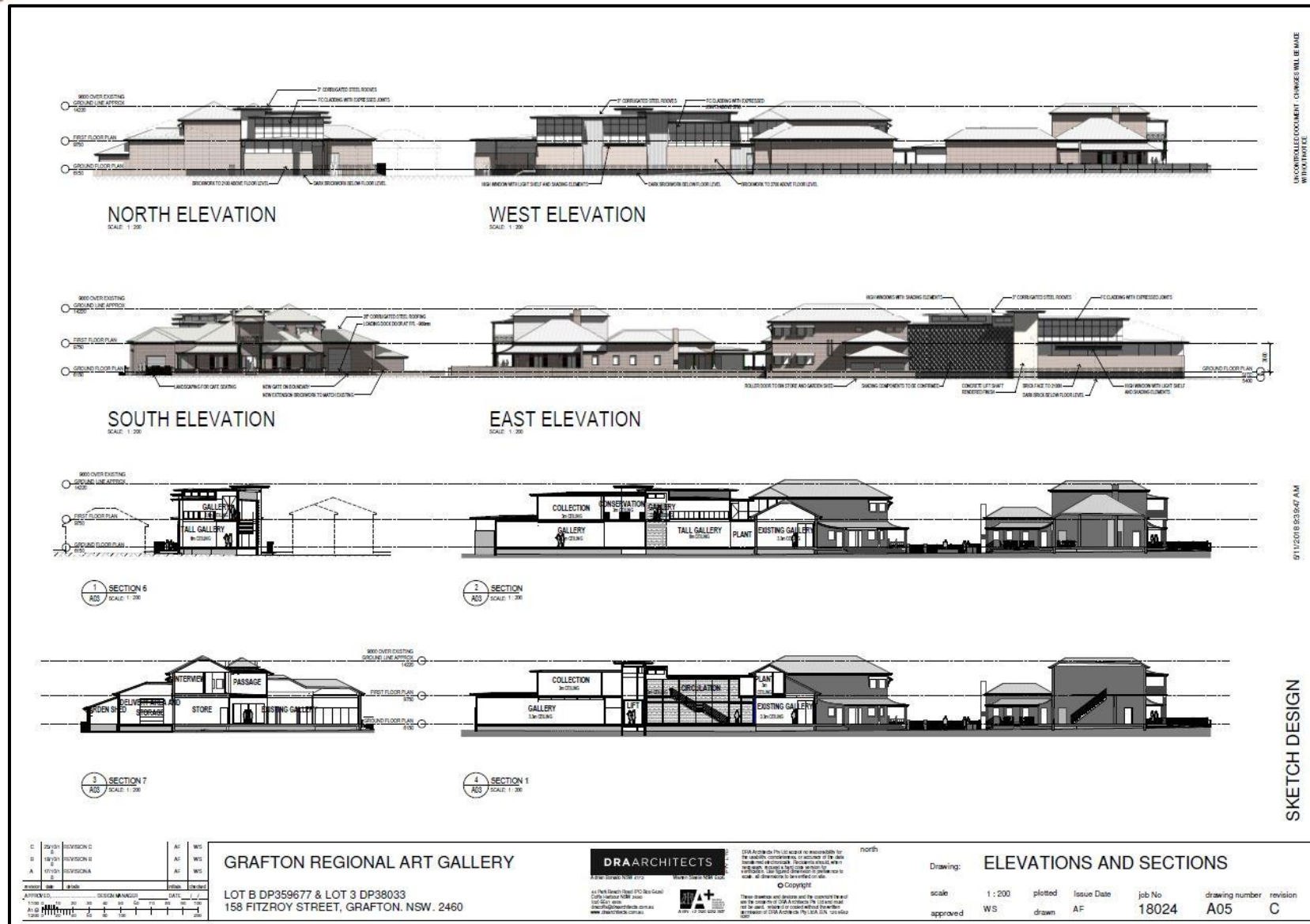
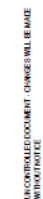


Figure 3: Elevation and section drawings.



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SKETCH DESIGN



2. LEGISLATIVE AND PLANNING CONTEXT

Several planning and legislative documents govern how historic heritage is managed in NSW and Australia. The following section provides an overview of the requirements under each as they apply to the Proposal.

2.1 State Legislation

2.1.1 *Environmental Planning and Assessment Act 1979*

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated regulations provide the framework for determining planning approvals for developments and activities in NSW. Environmental impacts are interpreted as including impacts to cultural heritage.

2.1.2 *The Heritage Act 1977 (NSW)*

The *Heritage Act 1977 (NSW)* provides protection for the environmental heritage of the State, which includes places, buildings, works, relics, movable objects, or precincts that are of State or local heritage significance. Significance criteria provided by the *Heritage Act* is discussed in further detail in Section 6.1 below. The legislation focuses on identifying places of either local or state heritage significance, and protecting them by registration on heritage registers. Significant historic heritage items are afforded little protection (other than at the discretion of councils) where they are not on a heritage register.

Of note are the provisions allowing for interim heritage orders (Part 3), which grants the Minister or the Minister's delegates, (which importantly may include a local government agent) the power to enter a property and provide emergency protection for places that have not yet been put on a heritage register, but that may be of local or State significance.

The Heritage Act 1977 (NSW) also makes allowances for the protection of archaeological deposits and relics (Part 6). An archaeological "relic" means any deposit, object, or material evidence, which relates to the non-Aboriginal settlement of the area. Importantly, a former requirement for an archaeological relic to be 50 years or older has been repealed. The focus is now on the item's potential heritage significance, not its age.

2.1.3 *Heritage Act Database*

The Heritage Branch Division of OEH maintains registers of heritage places and items that are of State or local significance to NSW. The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act, whereas the State Heritage Inventory (SHI) is an amalgamated register of items listed on LEPs and/or



on a State Government Agency's Section 170 register, and may include items that have been identified as having state or local level significance.

2.2 Clarence Valley Local Environmental Plan (2011)

Local Environmental Plans (LEPs) are made under the *Environmental Planning and Assessment Act 1979* (NSW) to guide planning decisions by local councils, such as development applications. In relation to heritage, the LEPs general objectives are to conserve the heritage of the respective LGAs through the protection of the significance of heritage items, conservation areas, archaeological sites, Aboriginal objects, and Aboriginal places of heritage significance.

Part 5 Section 5.10 of the Clarence Valley LEP 2011 deals with heritage conservation within the area covered by the LEP. The 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;
- c) to conserve archaeological sites; and
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Development consent is required for any of the following:

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - a heritage item;
 - an Aboriginal object;
 - a building, work, relic, or tree within a heritage conservation area;
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item;
- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged, or destroyed;
- d) disturbing or excavating an Aboriginal place of heritage significance;
- e) erecting a building on land:
 - on which a heritage item is located or that is within a heritage conservation area; or



- on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance;
- f) subdividing land:
- on which a heritage item is located or that is within a heritage conservation area; or
 - on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.



3. HISTORICAL CONTEXT

3.1 Historical Context: Grafton

Grafton is one of the oldest cities on the North Coast, having been settled in the 1840's. The city was first 'opened up' by an escaped convict, Richard Craig, who reported on the potential of the valley for the red cedar industry. The pioneer John Small established the first settlement commenced on Susan Island in 1838 and the township of Grafton was named in 1851. The township provided a hub for all forms of early industry and provided strategic access to markets via the Clarence River and later the Northern Railway and the North Coast Road. It is noted that both Grafton and South Grafton were relatively independent, and Grafton was declared a 'City' in 1885.

The City provided a logical access point for both rail, road and river access to the forestry, agriculture and later commercial development of the Clarence Valley. However, it was the Railway line which provided the key transport route for the development of the township as a regional trade centre. Like many large towns on the north coast Grafton was relatively self-sufficient whilst retaining commercial trade links with Sydney and Brisbane. Large scale commercial enterprises included the Grafton Brewery (1952), Peters Dairy Factory (1954); the Clarence River Co-operative Meat Society (1946) and the South Grafton brickworks c 1948 (Gardiner 2010:3). In addition to private enterprise the City of Grafton was also the centre of religious development on the North Coast and the centre of Government administration. Major religious and government investment included the Grafton Cathedral and diocese of Grafton, the Grafton courthouse and the Grafton Correctional Centre where key investments in the developing city.

The Grafton Community Heritage Study (Gardiner 2010) notes that very few stone buildings were constructed in Grafton, however based on the establishment of brickworks as early as the mid 1850's there are a number of early brick buildings, particularly public and commercial buildings where there was capital for long-term investment. However, for the most part, buildings in Grafton were predominately constructed of timber, which is in part a response to the availability of quality timber resources. In particular weatherboard cottages and bungalows dominated the architecture of Grafton in the late 19th and early 20th century. The Federation architectural style is well represented in Grafton, and provides a regional variant to the Sydney federation style due to the predominate use of wood and adaptation to a more sub-tropical environment.

While there are several good examples of the 'inter-war' Californian Bungalow style of architecture. This style includes examples constructed from hardwoods, brick and cement sheet, which became popular as transport routes opened up markets from Sydney and the timber industry declined and was replaced by agriculture and dairying.



Stubbs (2007) identified the following historic themes for the Grafton City;

- Discovery, Exploration and Earliest Occupation;
- Urban Development;
- Transport and Communication; and
- Secondary Industry.

Stubbs notes that the Urban Development theme is particularly important to the history of Grafton.

The following table provides a chronological history relevant to Grafton City (Table 1).

Table 1: Historical timeline 238 Pound Street, Grafton and surrounds.

DATE	LOCATION	DESCRIPTION
1831	Grafton	An escaped convict, Richard Craig, discovered the district in 1831.
1938	Susan Island	John Small sailed to the Clarence on board 'Susan'. Cedar-getters arrive on the river (see Figure 5).
1839	Clarence River	"The Big River" named the Clarence River.
1840	Grafton	Route from Tablelands made (Craig's Line)
1840	Alumy Creek	The first store was built on Alumy Creek
1847	Grafton	Town surveyed by W.W. Darke.
1851	Grafton	Governor Fitzroy officially named the town "Grafton", after his grandfather, the Duke of Grafton, a former Prime Minister of the UK. First sale of town blocks.
1858	Grafton	Grafton declared a municipality.
1862	Grafton	Construction of the first correctional centre administered by the Sherriff.
1874-84	Grafton	Construction of the Christ Church Cathedral
1885	Grafton	Proclaimed a city.
1893	Grafton	Construction of the Grafton Gaol by the Holloway Bros.
1900	Grafton	Turning of first soil for the Grafton-Casino railway.
1905	Grafton	First railway line to Grafton opened via Casino and Lismore
1915	Grafton	Railway line from Grafton to Glenreagh opened (eventually extended south to Maitland).
1923	Grafton	Continuous train travel possible from Sydney to Grafton after connection of rail sections.
1932	Grafton	First Train crossed the new bridge between South Grafton and Grafton across the Clarence River.

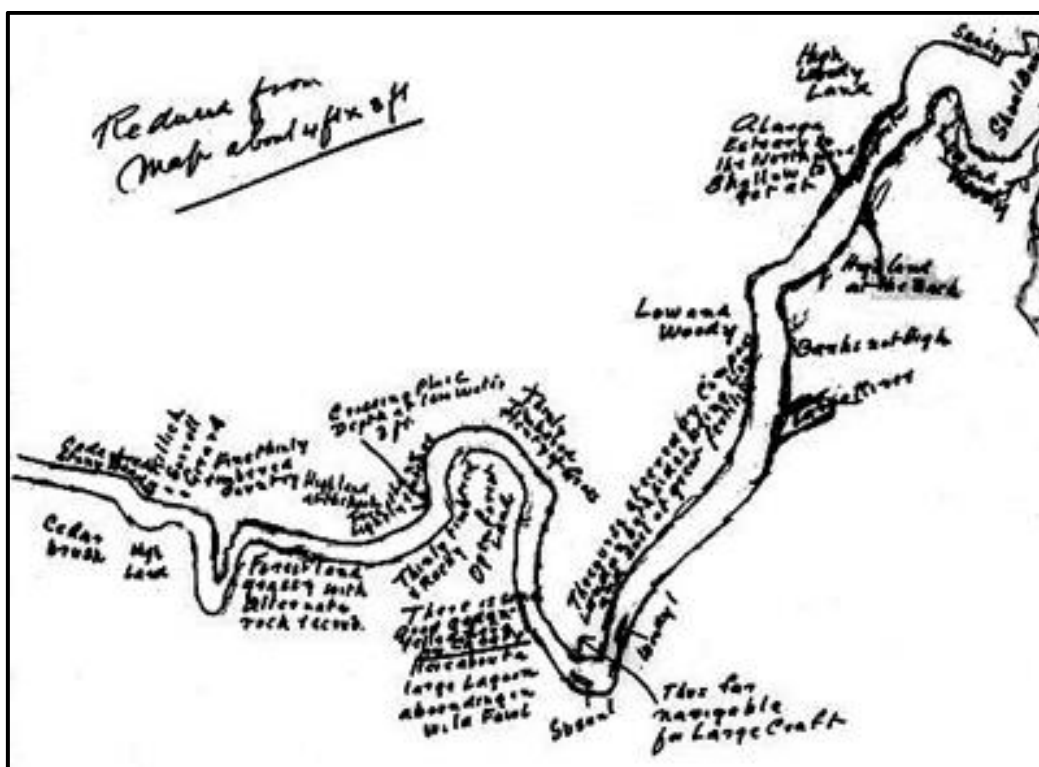


Figure 5: Captain Butchers Map of the Clarence (1838).



Figure 6: 1880 Town Map of Grafton showing The Fitzroy St and Queen Street Block.



4. HISTORIC HERITAGE REGISTER AND DATABASE SEARCH RESULTS

Searches were made of relevant Commonwealth, State, and Local heritage registers on which historical heritage places are entered on 10 November 2017. Results are as follows:

- a) NSW State Heritage Register: No results were returned.
- b) NSW State Inventory: Identified 'Prentice House' as a locally significant building.
- c) Clarence Valley Local Environment Plan:
 - The Clarence Valley LEP 2010 identifies 158 Fitzroy Street as a local heritage item (I102).
 - 158 Fitzroy St and 5 Robinson Avenue are within the Grafton Conservation Zone.
 - 158 Fitzroy Street immediately adjoins I580 (Dwelling Group Value 154 Fitzroy Street).
 - 158 Fitzroy Street immediately adjoins 27 Queens Street (I756).
- d) Commonwealth Heritage List: No results were returned.
- e) National Trust heritage list: No results were returned.

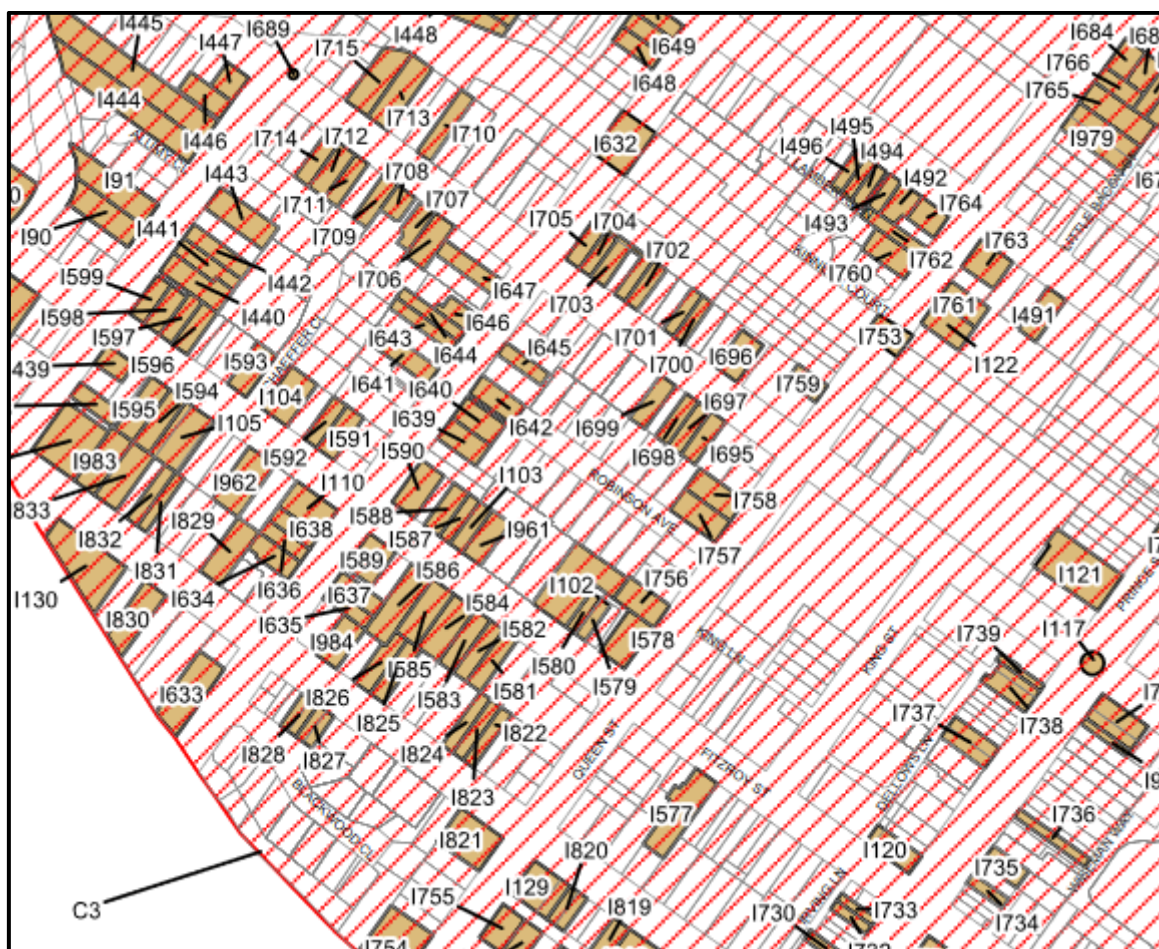


Figure 7: Location of heritage items (I102, I580 and I756)

4.1 Clarence Valley LEP Listings

4.1.1 *Prentice House*

The Clarence Valley LEP listing makes the following comment on the heritage significance of Prentice House;

This building is historically significant for its association with the builder Alexander Fairweather and a series of well-known doctors including Dr Houison and Dr D. Prentice. It has retained original elements, including a rare cast iron verandah posts and makes a significant aesthetic contribution to Fitzroy Street and the Grafton Urban Conservation area. Today it is significant as the Regional Art Gallery.

Prentice House was built for Dr Huison in 1880 by the well-known local builder Alexander Fairweather. Drainage diagrams dated 11/10/1937 show the owner as Dr A. B. Phillips. The building remained a residence and doctor's surgery until 1985 when it was acquired by Grafton City Council and converted to the Grafton Regional Art Gallery. The building was then restored with assistance from a NSW Bicentenary Grant.



The building is described as;

Two storey brick residence and surgery. Walls now painted. French doors to verandah with front door containing side lights and light top. Original cast iron columns to the ground floor verandah and upper balcony. Hipped roofs, all re-sheeted in corrugated iron. Roof to balcony replaced c1920 to allow an eaves overhang. Balcony most altered part of building (according to Jahn,1982). Rolled roof to verandah. Rendered chimney stacks with salt glazed chimney pots.

The building is described as being ‘well maintained and presented’.

4.1.2 154 Fitzroy Street

The Clarence Valley LEP listing makes the following comment on the heritage significance of the residential dwelling at 154 Fitzroy Street;

Located adjacent to the heritage listed Grafton Art Gallery this small originally four roomed cottage contrasts with the substantial residence built for Dr Houison next door. It contributes to the historic fabric of Fitzroy Street and its vertical board cladding to the front is rare.

The building is described as;

A single storey weatherboard clad cottage with vertical boards to the front and horizontal boards to the side. Originally a small four roomed cottage with central front door. Steeply pitched iron roof which extends over the front verandah. Four panelled front door. From Fitzroy street the cottage is obscured from view by mature shrubs. Picket fence.

The dwelling at 154 Fitzroy Street is assessed as meeting the following historical significance criteria (Table 3):

4.1.3 27 Queen Street

The Clarence Valley LEP listing makes the following comment on the heritage significance of the residential dwelling at 27 Queen Street:

This quality rendered brick house makes a substantial contribution to Queen Street and if associated with the Strauss family is likely to be of additional significance. It, with the dwelling at 29 Queen Street, makes a significant contribution to the historic fabric of Grafton.

It has been suggested that this house is associated with the Strauss family. However, sewer plans dated 1935 show the owner as A. E. Henry. Building applications show that in 1977 planning consent was given for additions to the dwelling and for the building of rear verandah in 1995.

The building is described as:



A substantial Federation style rendered brick residence with projecting bay window to the front and front steps flanked by piers with ashlar work. The gambrelled roof is complicated with a projection over the front bay window. Bull-nosed verandah to the front with detailed timber work. Ornate brick chimney intact. Beneath the house has partially been infilled with breeze block. Garden precludes a good view of the house but it sits well with the weatherboard house next door at number 29 Queen street (see image) and is visible from the yard of the Heritage listed Regional Art Gallery. Interior not viewed in this study.

4.1.4 *Grafton Conservation Area*

The Clarence Valley Council website makes the following comment on the Conservation Areas:

These include most of the historic core areas of the towns and villages with noteworthy collections of period buildings. The purpose of the Conservation Areas is to give overall protection to the heritage character and scale and form of these areas and ensure that the collective values of these areas are maintained (https://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-HLO-81-75-56).

The Grafton Conservation Area covers the Grafton Central Business District ('CBD') and surrounding residential area.



5. SITE INSPECTION AND ASSESSMENT

A Site Inspection of the Project Area was undertaken by Tim Hill of Everick Heritage Consultants, on 8 November 2018. The site inspection focused on;

- the street front facades of Prentice House
- the street front façade of No 27 Queen Street; and
- the general streetscape of Robinson Ave including the street front façade of No 5 Robinson Avenue.

5.1 Assessment Methods

The site inspection aimed to make observations on the following:

- a) the nature and condition of the heritage items (residential dwelling);
- b) post construction renovations as they relate to heritage significance; and
- c) the contextual relationship between the Project Area and the remaining dwellings and streetscape in general.

5.2 Site inspection results

5.2.1 *Prentice House*

The Street front façade of Prentice House appears to be in excellent condition and remains consistent with the description of the building in the heritage listing (see 4.1.1 above). However, it is noted that the installation of the banners and flagging at the gallery are notable non-permanent additions (Figure 8). Due to the location of the large trees along Fitzroy Street it is difficult to get a complete frontal view of the building. This view is further disrupted by all day carparking (Figure 9). While there are jacarandas in the vicinity, the immediate streetscape does not include this particularly iconic tree. The addition will not significantly detract from the streetscape façade of Prentice House as it is below the maximum roof height and set in the Lot behind (5 Robinson Avenue). While the roof is visible on the elevation drawings the impact will be lessened when viewed from the footpath and Street.

The group of dwellings to the east of the Prentice House are relatively small buildings with established gardens. The buildings are set close to the front of the Lots and are differ in terms of shape and form, however all contribute to the overall character of the streetscape. The retention of period fence lines along the footpath further define the nature of the buildings in the street (Figure 10). As all of the buildings are set close to the footpath and have



a narrow side curtilage the roofline of the additional gallery space will be substantially hidden by the buildings and established landscaping and trees.



Figure 8: Street front façade of Prentis House.



Figure 9:Prentice House showing parked cars and streetscape planting.



Figure 10: Group of dwellings to east of Prentice House.

5.2.2 *27 Queen Street.*

The street front façade at 27 Queen Street is significantly obscured by the tall hedge along the front boundary. The main entrance, including concrete steps and verandah detail are visible, as is a portion of the front room with original windows. The dwelling has been painted in a light heritage green colour which is sympathetic to its heritage value. Whilst this building is larger and appears to be more solid than the typical weatherboard cottages along the street, the border plantings, lime green colour and original fretwork all contribute to the streetscape. It is considered possible that the roofline of the additional gallery space will be visible when viewed down the driveway, however the height of the roof and border plantings when viewed from the street front will largely obscure the additional gallery roofline.



Figure 11: Street front facade of 27 Queen Street.

5.2.3 *Robinson Avenue*

The Robinson Avenue streetscape is dominated by the mature boob trees, which are unusual and contribute to the character of the avenue. The street primarily comprises weatherboard and 'red brick' cottages which appear to have been constructed as part of an urban infill process. Whereas the federation period cottages and buildings have quite steep pitched roofs the Robinson Avenue buildings have roofs with a low pitch which is indicative of construction in the post war period. Another feature of the street is the elevation of the floor levels, which indicates greater awareness of flooding in the township. The broad bitumen carpark significantly detracts from the character of the street. The additional galley will retain a similar curtilage to the adjacent buildings.



Figure 12: Street front facade of 5 Robinson Avenue.



6. SIGNIFICANCE ASSESSMENT

6.1 Significance Criteria Assessment

To understand impact upon a heritage site it is essential to understand why a site is significant. An assessment of significance is undertaken to explain why a site is important and to enable the appropriate site management to be determined. Cultural significance may be derived from a place's fabric, association with a person or event, or for its research potential. It is defined in The Burra Charter: *The Australia ICOMOS Charter for Places of Cultural Significance* 2013 (the Burra Charter) as meaning "aesthetic, historic, scientific, social, or spiritual value for past, present, or future generations" (Article 1.2).

The *Assessing Heritage Significance* (NSW Heritage Office, 2001) guidelines establish seven criteria under which a place can be evaluated in the context of State or local historical themes. The following statements are provided to assess the potential significance of the Study Area.

6.1.1 *Prentice House*

Prentice House is assessed as meeting the following historical significance criteria (Table 2):

Table 2: Historical Significance Criteria Assessment Prentice House.

<i>SHR Criteria</i>	<i>Assessment statements.</i>
<i>SHR Criteria a)</i> <i>[Historical significance]</i>	This building is historically significant showing the growth of Grafton c1880s and is associated with several locally important residents of the town.
<i>SHR Criteria b)</i> <i>[Associative significance]</i>	This building is significant for its association with the builder Alexander Fairweather and a series of well-known doctors including Dr Houison and Dr D. Prentice.
<i>SHR Criteria f)</i> <i>[Rarity]</i>	It is not typical of Fairweathers work which concentrated on timber cottages.

6.1.2 *154 Fitzroy Street*

The dwelling at 154 Fitzroy Street is assessed as meeting the following historical significance criteria (Table 2):



Table 3: SHR assessment 154 Fitzroy Street.

<i>SHR Criteria</i>	<i>Assessment Statements</i>
<i>SHR Criteria c)</i> <i>[Aesthetic significance]</i>	This originally four roomed cottage contributes to the historic fabric of Fitzroy Street, a street containing many heritage listed properties.

6.1.3 27 Queens Street

The dwelling at 27 Queen Street is assessed as meeting the following historical significance criteria (Table 4):

Table 4: SHR assessment 27 Queen Street.

<i>SHR Criteria</i>	<i>Assessment Statements</i>
<i>SHR Criteria a)</i> <i>[Historical significance]</i>	A quality rendered brick house is likely to be historically significant.
<i>SHR Criteria c)</i> <i>[Aesthetic significance]</i>	This high set brick dwelling makes a substantial contribution to Queen Street.

6.2 Statement of Heritage Significance

The following statement of significance is based on the general comments in the Grafton Community Heritage Study and the results of the site inspection:

The construction of Prentice House represents a significant investment by private medical practitioners as Grafton developed in the late 19th century and became a regional centre supporting the growth of the Clarence Valley. The building forms part of a collection of brick buildings which are a regional variant of the Federation architecture which is typically more grandiose and larger in scale than the typical federation style weatherboard cottages of the north coast.

The remaining buildings in the vicinity of the Proposed Works represent private dwellings which demonstrate design elements from the federation period and contribute to the broader heritage values of the Grafton Conservation Area. This includes the group of 3 cottages and the double story building on Fitzroy Street to the east of Prentice House and the residential dwelling at 27 Queens Street are typical of urban development around the Grafton CBD which has been identified as a key historic theme by Stubbs (2007). In particular the streetscape includes cultural plantings and buildings in close proximity to the street front and adjacent neighbours.



7. THE PROPOSAL

The Proponent proposes to redevelop the Grafton Regional Gallery to include an additional gallery space on the adjacent lands at 5 Robinson Avenue. This will involve the following (see also Figure 2- Figure 4);

- a) Removal of the existing residential dwelling and pool at 5 Robinson Avenue and replacement with an additional wing of the Art Gallery and collections room;
- b) Construction of a delivery area, enclosed bin storage and garden shed to the east of the rear existing gallery;
- c) 2 staff carparks and an additional 10 visitor carparks;
- d) Relocation of services; and
- e) Fencing and landscaping.

It is noted that the addition will link to a portion of the Regional Art Gallery which is not original, being an extension program that was constructed in the 1990's. There will be no additional visual impacts when viewed from Fitzroy Street. While the group of buildings along Fitzroy Street to the east of Prentice House are part of the overall Grafton Regional Gallery precinct it is considered that the additional gallery space is not sufficiently close to these building as to warrant an assessment of ancillary impacts. Works adjacent to 27 Queens Street are restricted to the removal of a small shed to accommodate additional carparking. As such the assessment will consider impacts within the Grafton Conservation Area.



8. STATEMENT OF HERITAGE IMPACT (SOHI)

The *Statement of Heritage Impacts Guideline* (NSW Heritage Office 2002) has been used to evaluate and explain how the proposed might impact on the heritage values of the heritage item. An assessment of heritage impact should also address how the heritage value of the site/place can be conserved or maintained, or preferably enhanced by the proposed works.

8.1 Nature of Potential Impacts

For the purposes of the study the potential impact to the heritage item will be the construction of a major addition within the Grafton Conservation Area. The gallery addition will also result in the removal of a post war cottage and construction of a new building in the Grafton Conservation Area.

8.1.1 Some aspects of the proposal respect or enhance the heritage significance of the item or conservation area.

The additional gallery space provides for an extension of the Grafton Regional Gallery and will strengthen the position of the gallery as a public building in the Grafton Conservation Area and contribute to the urban experiences currently available within the Grafton CBD. It is noted that the main impacts will be along Robinson Street which does not have a public footpath or contribute to the heritage values of the Conservation Area in the same way that the buildings along Queen and Fitzroy Streets as Robinson Avenue does not have the same level of pedestrian or vehicle traffic.

The scale and proportion of the addition is complementary to both Prentice House, the Gallery additions and the adjacent cottages as the additional gallery provides a similar narrow curtilage as the surrounding buildings, particularly when viewed from Robinson Avenue. Narrow curtilages are common in the Grafton CBD, and the front curtilage to Robinson Avenue will be retained along with the boab tree. This notes the presence of the existing bitumen carparking space.

The complexity of the roofline of the additional gallery includes hips and ridges with skillion verandahs. However, the adoption of shallow pitches will allow for the inclusion of an additional double story whilst not exceeding the maximum roof height of Prentice House. However, the additional bin storage and garden shed which is located within the existing rear gallery space will retain a steep pitched roofline so as to complement the existing buildings.



8.1.2 *Some aspects of the proposal will detrimentally impact on heritage significance of the Heritage item.*

The proposed works will result in the addition of a public/ commercial building within the Grafton Conservation Area. It is noted that there are existing precedents for additional commercial scale buildings around the Grafton CBD which date to the 1990's and 2000's. The additional gallery space is modern by design as it is required to provide a visual reference for the operation of the gallery as a viable commercial business. This 'modernist' design has been considered so as to make a visual statement with modern materials whilst being sympathetic to the character of the surrounding Conservation Area.

8.1.3 *Have more solutions been considered, and if so or why have they been discounted?*

The primary alternative solution would be the use of a single floor design which retained the steep roof angles of the federation style architecture. This has been discounted on the grounds that the design of the building will optimise the gallery experience via the main 'tall gallery' with a 'void' area which will amplify the scale and sense of space of the building on a small footprint. The addition of a second floor will also allow to the presentation of smaller exhibitions in the upstairs gallery and include more intimate areas for visitor circulation and presentations, as well as enabling the gallery's collection to be permanently stored above flood levels. The second-floor windows and eaves will further provide benefits in terms of solar cooling and ambient lighting that would not be able to be achieved had the gallery utilised a single story with a steep pitched roof.

8.2 Requirement for a Conservation Management Plan.

The following statements are provided to consider the requirement for a Statement of Significance ('SOS'), Conservation Policy ('CP') or Conservation Management Plan ('CMP') as set out in the NSW Heritage Office Guidelines for a Statement of Heritage Impact (<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>). Having consideration for the below, it is considered that a Conservation Management Plan is not required for the additional gallery (refer Table 5).

Table 5: Statements addressing requirements for Conservation Management Plan ('CMP').

<i>Proposed change to a heritage item</i>	<i>Options considered</i>	<i>SOS / CP /CMP required?</i>
<i>New development adjacent to a heritage item (including</i>	How is the impact of the new development on the heritage significance of the item or area to be minimised? The proposed impacts of the additional gallery space will be minimised using the following strategies;	CP



*additional buildings
and dual occupancies.*

- Retention of a curtilage which is consistent with the adjacent buildings and heritage items.
- Use of a roofline which includes complex hips, ridges, valleys and skillions consistent with the existing heritage items in the nearby area.
- Use of a low pitch roof to provide for an additional story whilst retaining the additional building below the maximum height of Prentice House.
- Use of materials which are modern in nature, but not inconsistent with the materials used on surrounding buildings, such as fibre cement sheet, corrugated iron, brick face, concrete render and metal shading. The use of a range of building materials in particular is consistent with the buildings in Robinson Avenue.

Why is the new development required to be adjacent to a heritage item?

The new gallery space, conservation and storage area and administration offices will provide for the expansion of gallery operations and increase the range and quality of exhibitions for the community when compared to the limited capacity of the existing gallery space.

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

The curtilage around buildings in the Conservation Area do contribute to the character of the streetscapes. In particular, the proximity of buildings to the street front and footpaths is common and provides for a level of architectural intimacy that is not common in suburban areas. The curtilage of the adjacent buildings has been considered by the design.

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

The additional building will not obstruct any views to listed heritage items when viewed from the foot path or street. A small portion of the roofline from the additional gallery space will be visible behind the Prentice House roofline however will be visually demarcated by the 3° roof pitch and modern.



Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered?

Why were they rejected?

No archaeological deposits are known in the area and, having consideration for the history of the area, it is not believed that such deposits would exist.

Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

The scale and volume of the proposed addition is sympathetic to the scale and form of the surrounding buildings. Larger commercial buildings are not uncommon in the immediate surrounds and the Project Area is nearby to the Grafton CBD. The main design elements are the complexity of the roofline, the retention of narrow building curtilage and the use of a mix of materials which are common in the Grafton Conservation Area. The boab tree will also be retained as a unique cultural planting.

Will the additions visually dominate the heritage item? How has this been minimised?

The proposed gallery space will not dominate the surrounding buildings. A small portion of the roofline will be visible behind Prentice House however due to the angle of view will not significantly detract from the original roofline. The design has ensured that the addition does not exceed the maximum height of Prentice House.

The use of sympathetic materials will reduce the visual impact of the building and ensure that the scale and form will not dominate the surrounding buildings or streetscape.

The existing boab tree will be retained as this is part of a unique cultural planting in the Conservation Area.

Will the public, and users of the item, still be able to view and appreciate its significance?

Public views to the remaining dwellings in the Conservation Area will not be affected by the proposal. The proposal will be retaining a curtilage which is consistent with the existing building and the surrounding buildings. Robinson Avenue is not a major street and has relatively low pedestrian and vehicle traffic.



8.3 Statement of Heritage Impact

The Proponent proposes to redevelop the Grafton Regional Gallery to include an additional gallery space on the adjacent lands at 5 Robinson Avenue. This will involve the following (see also Figure 2- Figure 4);

- a) Removal of the existing residential dwelling and pool at 5 Robinson Avenue and replacement with an additional wing of the Art Gallery and collections room;
- b) Construction of a delivery area, enclosed bin storage and garden shed to the east of the rear existing gallery;
- c) 2 staff carparks and an additional 10 visitor carparks;
- d) Relocation of services; and
- e) Fencing and landscaping.

The Proposed works are adjacent to Prentice House and residential dwellings at 27 Queen Street and 154 Fitzroy Street, however will not result in any significant visual impacts to these heritage items. The addition of a modern architecturally designed non-residential building in the Conservation Area is not unprecedented, and there are nearby examples of commercial developments and retrofits of residential buildings for commercial operations. The potential impacts of the additional gallery space on the overall character of the Grafton Conservation Area will be mitigated by the following broad design strategies;

- Use of complex low pitch roofline to ensure the double story building is sympathetic to the rooflines of the surrounding buildings.
- Use of a mix of materials such as rendered cement walls, exposed brick, fibre cement sheet cladding, colour bond roofing which are common in the surrounding buildings.
- Creation of a curtilage which is consistent with the existing residential dwelling at 5 Robinson Avenue and sympathetic to the narrow curtilage which is common in the Conservation Area.
- Retention of existing streetscape plantings which are somewhat unique and contribute to the character of the Conservation Area.

Having consideration for the NSW Heritage Office Guidelines is concluded that a Conservation Management Plan is not required as the proposal affects only a locally significant item.



9. REFERENCES

- Clarence Valley Council *Local Environmental Plan 2011*
- Gardiner, J. 2010 *Grafton Community Based Heritage Study*. Unpublished report for Clarence Valley Council.
- NSW Heritage Office, 1998. *How to prepare archival records*. Parramatta: Heritage Office.
- NSW Heritage Office, 2001. *Assessing Heritage Significance*. Parramatta: Heritage Office.
- NSW Heritage Office, 2002. *Statements of Heritage Impact*. Parramatta: Heritage Office.
- NSW Heritage Office, 2006. *Photographic recording of heritage items using film or digital capture*. Parramatta: Heritage Office.
- Stubbs, B.J. 2007 *A thematic History of the City of Grafton*. Unpublished report for Clarence Valley Council.



Appendix C

Stormwater Management Plan



Appendix D

Database Search Results

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Grafton Gallery

Client Service ID : 384652

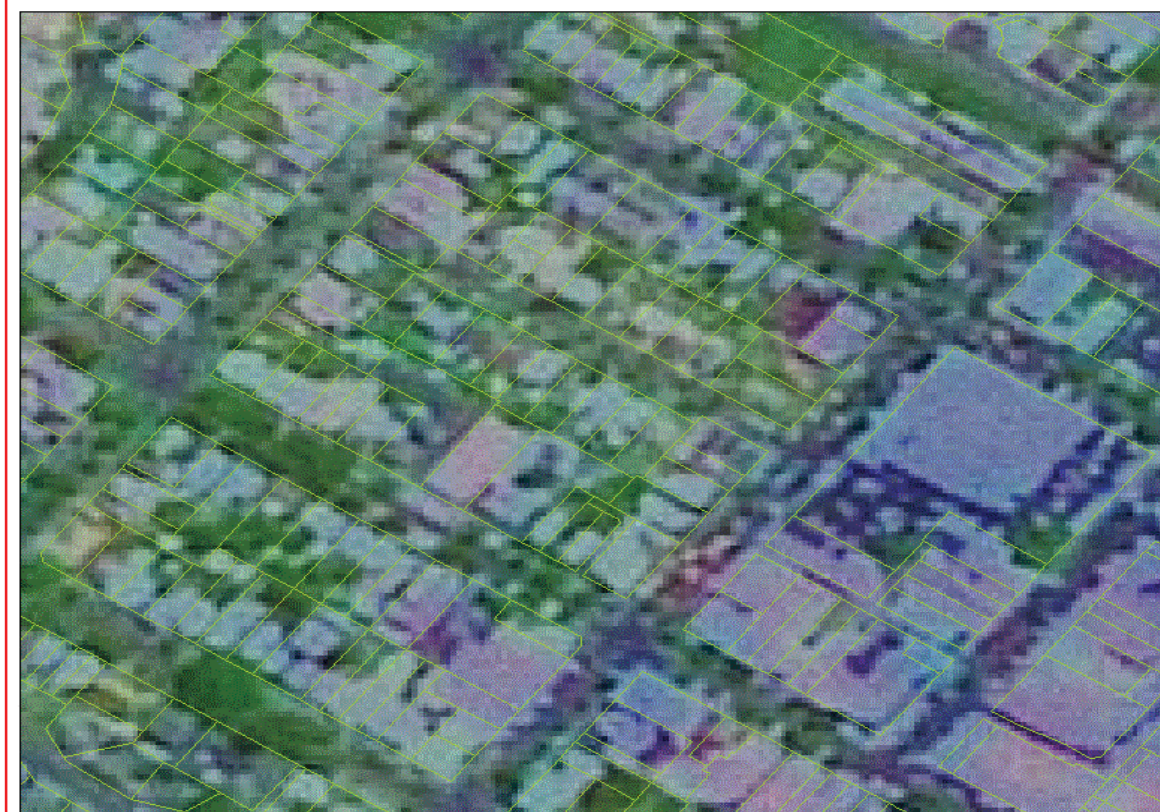
GeoLINK Consulting Pty Ltd
PO Box 1446
Coffs Harbour New South Wales 2450
Attention: Jeremy Clifford
Email: jeremy.clifford@gmail.com

Date: 22 November 2018

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 3, DP:DP38033 with a Buffer of 200 meters,
conducted by Jeremy Clifford on 22 November 2018.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Cattle dip site locator

This search retrieved 10 dip sites.

For more information about each dip site, click on the name below.

Dip name	Road	Town/Locality	Council
BURKAMSHAWS	POWELL STREET	GRAFTON	CLARENCE VALLEY
CLIFDEN	SUMMERLAND WAY	GRAFTON	CLARENCE VALLEY
DARBYS	MCGRATHS LANE	GRAFTON	CLARENCE VALLEY
GRAFTON	VILLIERS & KIRCHNER S	GRAFTON	CLARENCE VALLEY
GREAT MARLOW	GREAT MARLOW ROAD	GRAFTON	CLARENCE VALLEY
LAVADIA	TRACK OFF REILLYS LANE	GRAFTON	CLARENCE VALLEY
MORGANS	MYLNFORD ROAD	GRAFTON	CLARENCE VALLEY
STONY	LAWRENCE ROAD	GRAFTON	CLARENCE VALLEY
TRENAYR	TRENAYR ROAD	GRAFTON	CLARENCE VALLEY
ZUILLS	SUMMERLAND WAY	GRAFTON	CLARENCE VALLEY

Find dip sites

Dip name	<input type="text"/>
Road	<input type="text"/>
Town/Locality	<input type="text" value="Grafton"/>
Council	<input type="text" value="---select all---"/>
<input type="button" value="Search"/>	

The information contained in this web page is based on knowledge and understanding at the time of writing. However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of Industry& Investment NSW or the user's independent adviser.

**Healthy Environment, Healthy Community, Healthy Business**[Home](#) [Contaminated land](#) [Record of notices](#)

Search results

Your search for:LGA: Clarence Valley Council

Matched 7 notices relating to 2 sites.

[Search Again](#)[Refine Search](#)

Suburb	Address	Site Name	Notices related to this site
ASHBY	via Clarence STREET	Ashby Dry Dock	1 former
KOOLKHAN	Summerland WAY	Former Koolkhan Power Station	6 former

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