

## DETERMINATION AND STATEMENT OF REASONS

### NORTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 20 March 2019
<b>PANEL MEMBERS</b>	Garry West (Chair), Pamela Westing and John Griffin
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Jason Kingsley, Jim Simmons and Andrew Baker are councilors of Clarence Valley Council, and each voted on the matter when it was before Council – they have therefore declared a conflict of duties. Jason Kingsley declared an additional conflict of interests, as he recently engaged the project architect in relation to an unrelated project.

Public meeting held at Clarence Valley Council on 20 March 2019, opened at 2.03pm and closed at 2.18pm.

#### MATTER DETERMINED

2019NTH001 – Clarence Valley – DA2018/0783 at 158 Fitzroy Street & 5 Robinson Avenue Grafton (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

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

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

The decision was unanimous.

#### REASONS FOR THE DECISION

- The amenity of neighbours has been adequately considered and resolved;
- Potential impact on heritage values have been adequately considered;
- The proposed development will provide an improved community facility to promote art and culture for residents of the Clarence Valley.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.




#### CONSIDERATION OF COMMUNITY VIEWS

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

- Fencing
- Noise transmission
- Light nuisance
- Access and parking

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The

Panel notes that in addressing these issues, the applicant has made minor changes to the proposed development.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 John Griffin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019NTH001 – Clarence Valley – DA2018/0783
2	PROPOSED DEVELOPMENT	Alterations and additions to Grafton Regional Gallery, including upgrade and partial demolition
3	STREET ADDRESS	158 Fitzroy Street & 5 Robinson Avenue Grafton
4	APPLICANT/OWNER	GeoLINK Consulting / Clarence Valley Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ Clarence Valley Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Clarence Valley Council – Development in Residential Zones Development Control Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 92, 94, 98(1)(a), 98A(2) and (3), and 98E</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 5 March 2019</li> <li>• Written submissions during public exhibition: four (4)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Mareia Cowper (on behalf of Strata Plan 14227) and mark Thompson (on behalf of the Friends of the Grafton Regional Gallery)</li> <li>○ In objection – NIL</li> <li>○ Council assessment officer -</li> <li>○ On behalf of the applicant – Jacob Sickinger, Environmental Planner, Geolink &amp; Warren Steele, Architect.</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: 20 March 2019</li> <li>• Final briefing to discuss council's recommendation, 20 March 2019, 1pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry West (Chair), Pamela Westing and John Griffin</li> <li>○ <u>Council assessment staff</u>: Scott Lenton, Development Services Coordinator; David Morrison, Manager, Environment, Development &amp; Strategic Planning; Niomi Sands, Regional Gallery Director</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report