

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	[PPSNTH-220] – [DA2023/0262 / PAN-320342]
PROPOSAL	Redevelopment of the Grafton Rowing Club building, including demolition.
ADDRESS	Lot 7001 DP 1054597 being Reserve 85477 - 2A prince Street Grafton
APPLICANT	Grafton Rowing Club
OWNER	Crown Lands NSW (Council as Land Manager)
DA LODGEMENT DATE	22 May 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	<p>Section 2.19(1) and Clause 3 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as:</p> <p>The capital investment value is over \$5 Million and as per Clause 3(d) the council is a party to an agreement or arrangement relating to the development; the rowing club hold a lease over the Grafton Rowing Clubhouse and this is issued by Council as the Crown Land Manager.</p>
CIV	\$5,515,676 (excluding GST)
CLAUSE 4.6 REQUESTS	NA
KEY PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • Clarence Valley Local Environmental Plan 2011; • Clarence Valley Council DCP - Development in Environmental Protection, Recreation and Special Use Zones

AGENCY REFERRALS	Nil
TOTAL & UNIQUE SUBMISSIONS	One (1) – raising concerns of heritage assessment and plagiarism – NB the issues raised in the submission relate to the substance of the heritage assessment report and are not a relevant planning matter in regard to the determination of the application.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Attachment A. Grafton Rowing Club Council Report and Minutes 22.11.23</p> <p>Attachment B. Statement of Heritage Impact (August 2023)</p> <p>Attachment C. Grafton Waterfront Precinct Plan of Management</p> <p>Attachment D. Architectural Plans (Revision B 3.8.23)</p> <p>Attachment E. Statement of Environmental Effects (dated 4.8.23)</p> <p>Attachment F. Grafton Waterfront Precinct Master Plan 2011</p> <p>Attachment G. Flood Risk Management Report, (dated 27.10.2022)</p> <p>Attachment H. Draft Conditions of Consent</p> <p>Attachment I. Crown Land owners consent 27.04.2023</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	<p>That Application PPSNTH-220 – [DA2023/0262 / PAN-320342 / DA2023/0262] for the Redevelopment of the Grafton Rowing Club building (converting existing ground floor boatshed and mezzanine into a purpose-built boatshed, roof level into a purpose-built club deck areas, judges tower marshalling area, amenities, office, kitchen, lounge and gym) including demolition, be approved pursuant to Section 4.16(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i>, for the reasons listed below, subject to the draft conditions of consent attached to this report at Attachment H.</p> <ul style="list-style-type: none"> • The development complies with the Clarence Valley Local Environmental Plan 2011 and relevant Development Control Plan that is applicable to the proposed development. • The development is consistent with the objectives of the zone. • The development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments. • The development is consistent with the objects of the Environmental Planning and Assessment Act 1979. • Community was properly consulted as part of the assessment in accordance with the requirements of the Clarence Valley Community Participation Plan and <i>Environmental Planning and Assessment Act 1979</i>.

DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	Wednesday 27 September 2023
PLAN VERSION	Revision B: 3.8.2023 Project No. 2202
PREPARED BY	Pat Ridgway, Senior Development Planner
DATE OF REPORT	12 September 2023

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions	No
Conditions Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report	Yes

Table 1 – Assessment requirements

EXECUTIVE SUMMARY

The development application (DA2023/0262) seeks consent for the re-development of the Grafton Rowing Club including demolition. The Grafton Rowing Club successfully sought over \$1.8M in funding under the Bushfire Local and Economic Recovery Fund (BLERF) to improve their facility, which is required to provide modern facilities for rowers and ensure the club is accessible for all users.

The whole of the scope of works has been included in the application with the initial stage to be completed under the sourced funding.

On 22 November 2022 (Item 07.22.265), Council considered a report seeking in principle support for upgrading the Grafton Rowing Club. Plans were included in the report, consistent with those submitted in this development application. At this meeting Council resolved unanimously *That Council as Crown Land Manager of RE85477 1. Provide in principle support for the upgrade of the Grafton Rowing Club in accordance with the plans in Attachment 1; 2. Note that a development application will now be lodged for assessment.* The minutes are provided as **Attachment A**.

The site is located in the RE1 – Public Recreation Zone pursuant to Clause 2.2 of the Clarence Valley *Local Environmental Plan 2011* ('LEP 2012').

The building is not itself a listed heritage item however it is located within the heritage conservation area Grafton and within the vicinity of local heritage items. Demolition is not exempt development if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The subject site is located within the Grafton Conservation Area (C3).

The recommendations from the Heritage Specialist have been adopted in the proposed alterations and additions to the existing boatshed.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

The application was placed on public exhibition from 25 May 2023 to 26 June 2023, with one (1) submission being received. The submission has been considered as not being of relevance to the assessment of the application and the matters raised not deemed related to the application. The comments relate only to the content of the original Statement of Heritage Impact (SOHI), raising concern of unauthorised use of material and falsely claiming that author of the material had been consulted. The writer of the submission has conversed with the authors of the SoHI and this has been addressed in the amended SoHI submitted dated August 2023 (**Attachment B**).

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*' under *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development that has a capital investment value over \$5 Million and as per Clause 3(d) the council is a party to an agreement or arrangement relating to the development. The rowing club hold a lease over the Grafton Rowing Clubhouse and this is issued by Council as the Crown Land Manager

A briefing was held with the Panel on 1 August 2023 where key issues were discussed.

1. THE SITE AND LOCALITY

1.1 The Site

The Grafton Rowing Club, established in 1882 on the foreshore of the Clarence River at Grafton Memorial Park, Lot 7001 DP 1054597 - 2A Prince Street Grafton. The Rowing Club is located on Crown land, being Reserve 85477 for Public Recreation, managed by Council as the Crown land manager within the Grafton Memorial Park area.



Figure 1: Rowing Club arial view



Figure 2: Map of Heritage items and Heritage Conservation Area

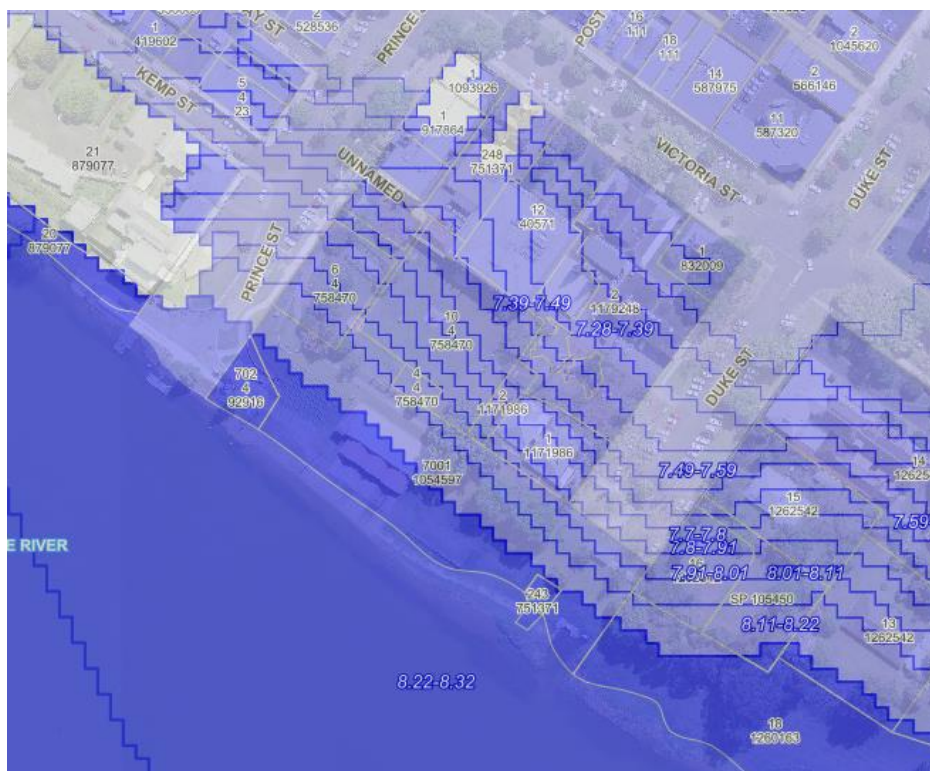


Figure 3: Modelled flood heights showing 1 in 100 AEP event

1.2 The Locality



Figure 4: Location Plan

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the redevelopment of the Grafton Rowing Club including:

Demolition; Internal partition brick walls; internal staircase and landings; upper and lower mezzanine floors; existing columns; redundant services i.e. hot water units; roof cladding; rowing/judges tower; and external staircase at East elevation.

Alterations;

Converting existing ground floor boatshed and mezzanine into a purpose-built Boatshed, which will include:

- Storage areas including separate chemical storage spaces; Widened staircases for improved mobility; Unisex accessible amenities and showers; Accessibility lift (accessible via all levels); Existing openings and doorways will be widened for improved accessibility; and existing timber trusses will be retained and repurposed throughout proposed scope of works.

Converting existing roof level into a purpose-built Club Deck, which will include;

- marshalling/seminar space; ranging storage areas and lockers; rowing focused gym; female, male and unisex amenities and showers; lounge area; fully equipped kitchen; office space; club deck; and new external stairwell at west elevation.

New Additions: A new public level accessible via ramp to Memorial Park, which will include: public deck; judges box; accessibility amenities; rower's room; and rooftop coffee cart area.



Figure 5: Existing building images



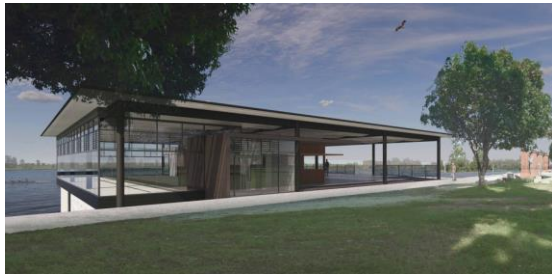


Figure 6: Proposed Rowing Club perspectives

The redevelopment will be undertaken in stages which are shown on the Staging Plans within the plan set in **Attachment D**.

- STAGE 1 is the redevelopment of the lower boatshed and storage area, club deck area (Mezzanine) and the upper and roof area for a coffee cart area, roof over and judges box.

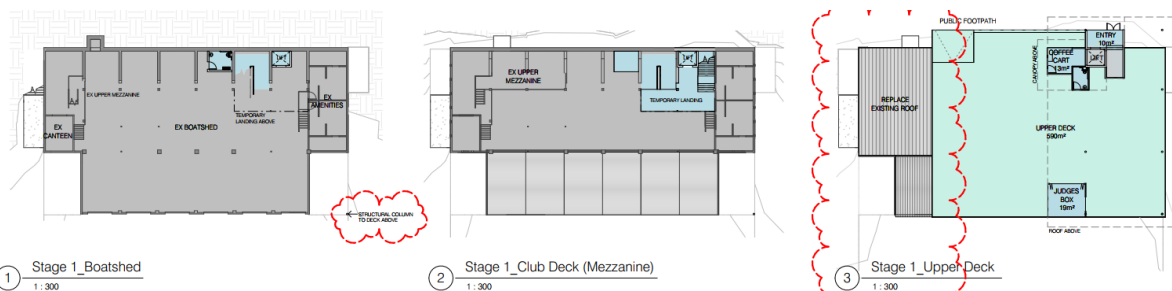


Figure 6 - Stage 1 plans

- STAGE 2 is for additional fit out of the boatshed club deck areas and inclusion of the rowers room with a kitchen on the upper deck.

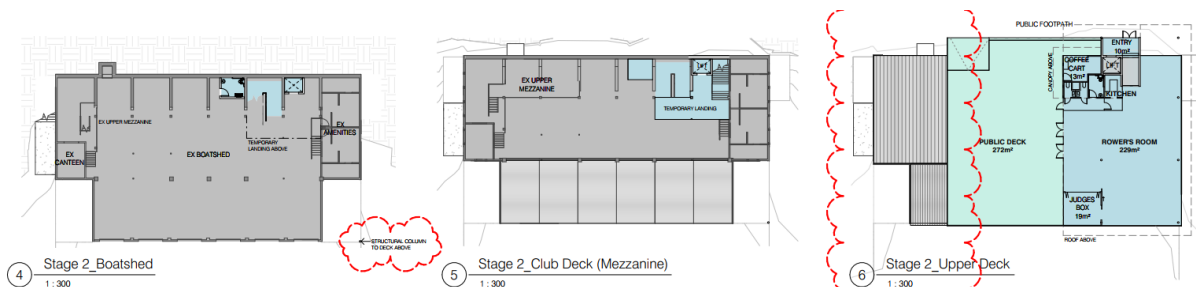


Figure 7 – Stage 2 Plans

- STAGE 3 & 4 will increase the storage areas in the boatshed, extending the mezzanine area (middle floor area) with marshalling area, office kitchen lounge, club deck and gym, will provide an extended trafficable deck area stepped down from the upper deck and increase the club deck area on the middle floor area.

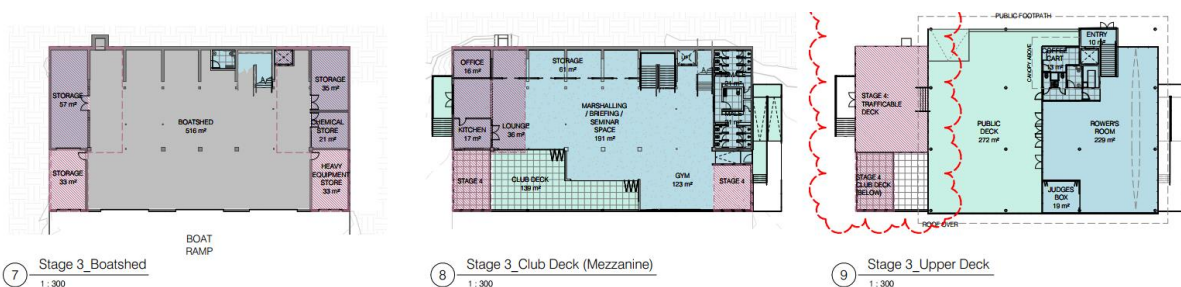


Figure 8 – Stage 3 & 4 Plans

2.2 Background and Site History

The Grafton Rowing Club, was established in 1882 on the foreshore of the Clarence River at Grafton Memorial Park within the Grafton Waterfront Precinct.

The reserve is historically significant. The Grafton Memorial Park was originally named Boulevard Park in 1876. The reserve was renamed Memorial Park and officially opened in 1919 after the construction of memorial gardens on the reserve to commemorate those that lost their lives during World War I. The Park's social significance to the people of Grafton includes various commemorative services held in the Park including ANZAC Day, Legacy Sunday, Remembrance Day and Vietnam Veterans Day.

The Grafton Rowing Club Boatshed is located within both the heritage listed Memorial Park (listing no. 1727), adjacent to the individually heritage listed Flood Gauges (listing no. 1726) (which are no longer present on the site as inspected in July 2023) and the Grafton Conservation Area (listing no. C3) under the Clarence Valley LEP 2011 as items of local significance. The rowing club building itself is not a heritage item and the Grafton Rowing Club Boatshed illustrates the continuing historical association with the leisure of sports in the NSW Regional town. The Grafton Rowing Club established in 1882, has had a continued connection with the community of Grafton and activity of rowing for the last 141 years.

Various extensions to the clubhouse have been undertaken including extensions in 1930 and a new lower level front extension to the boatshed area in 1997. A historical time-line is shown in the SoHI (**Attachment B**).

The Grafton Memorial Park precinct is identified as being within the traditional lands of the Gumbaynggir people. Prior to European settlement the Gumbaynggir people would have camped and used the resources of the Clarence River and surrounding lands as part of everyday living and for ceremonies. The Grafton-Ngerrie LALC represents the rights of the Gumbaynggir people. Accordingly, in accordance with S.24JB of the *Native Title Act* 1993, on 9 December 2022, Clarence Valley Council provided notification to NTSCORP Ltd and Grafton Ngerrie LALC of the proposed works within the Grafton Memorial Park. No comments were received by Council as a result of the notification.

The Grafton Waterfront Precinct Plan of Management was adopted on 23 February 2021 – Council Resolution 6b.21.006 (**Attachment C**).

A request for information was submitted to the applicant regarding the and information including revised architectural plans (**Attachment D**), Statement of Environmental Effects (**Attachment E**) and revised Statement of Heritage Impact. The information did not substantially change the proposal and the information was not re-exhibited for this reason.

The development application was lodged on 25 May 2023. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
26 May -26 June 2023	Exhibition of the application
25 May 2023	DA referred to internal staff agencies

26 June 2023	Request for Information from Council to applicant
6 June 2023	Meeting with Applicant, Heritage Consultant and Architect
1 August 2023	Panel briefing
Request for Information 26 June 2023 Due 17 July 2023 Extension granted to 7 August 2023	Revised Architectural Plans to be lodged Revised Statement of Heritage Impact to be lodged. Revised Statement of Environmental Effects that directly addressed the proposal and the relevant planning statutory requirements.
17 August 2023 11 August 2023 11 August 2023	Revised Architectural Plans received Revised Statement of Heritage Impact received Statement of Environmental Effects received
13 September 2023	Panel Site Visit

Clarence Valley Council is undertaking re-development works to the waterfront precinct in conjunction with the *Grafton Waterfront Precinct Master Plan 2011* and the *Grafton Waterfront Precinct Plan of Management (PoM)*. This PoM included community consultation and community input to ensure the PoM met the needs of the community. This PoM provides the statutory mechanism to implement the intent of the *Grafton Waterfront Precinct Master Plan 2011 (Attachment F)*.

The PoM provides the statutory mechanism to implement the intent of the Grafton Waterfront Precinct Master Plan 2011. The aims of the PoM include:

- *enhance the City's amenity and streetscape including a high standard of well designed and maintained landscaping features*
- *recognises and accommodates the commemorative and reflective nature of the war memorial and surrounds*
- *promotes the passive recreation use of the reserve including the provision of a high level and standard of facilities, and an attractive and well maintained park setting*
- *caters for community-based special events utilising the park and river setting*
- *provides for the current and future needs of key user groups such as the Rowing Club, RSL and other war veteran and supportive organisations and Jacaranda Festival Committee*
- *to meet the requirements of the Local Government Act 1993, the Crown Land Management Act 2016 and the principles and objectives of Council's Community Strategic Plan - The Clarence 2027 and the Grafton Waterfront Precinct Master Plan 2011.*



As per the Masterplan the Grafton waterfront has considered the Grafton Rowing Club use and specifically has opened the entry points to the river, extended paved access to the rowing club with terrace seating, provide a new path on the northern and eastern sides of the park to define the memorial area. Further improvements are proposed in line with the Masterplan to improve the public use of the riverfront.

3. STATUTORY CONSIDERATIONS

The Rowing Club is within the Grafton Waterfront precinct, is situated in a built urban environment and is zoned – RE1 Public Recreation Zone under the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011).



A summary of the key matters for consideration arising from the relevant environmental planning instruments (EPIs) are outlined in **Table 3**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following EPI's are relevant to this application

Table 3: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3(d) of Schedule 6. <p>The capital investment value is over \$5 Million and as per Clause 3(d) the council is a party to an agreement or arrangement relating to the development; the rowing club hold a lease over the Grafton Rowing Clubhouse and this is issued by Council as the Crown Land Manager</p>	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Chapter 2: Coastal Management</p> <ul style="list-style-type: none"> Section 2.10(1) & (2) - Development on land within the coastal environment area Section 2.11(1) - Development on land within the coastal use area Section 2.12 - Development in coastal zone generally — development not to increase risk of coastal hazards. Section 2.13 - Development in coastal zone generally - coastal management programs to be considered. <p>Chapter 4: Remediation of Land</p> <p>Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</p> <p><u>Comment:</u></p> <p>The proposal is for alterations and additions to an existing boatshed that has existed on the site since at least the 1930s, with the last building works completed in the 2000s. The works are largely contained within the existing footprint, with two minor areas of new works covering a cumulative area of approximately 66m². Accordingly, there is no impact on the biophysical, hydrological, and ecological environment.</p> <p>There are no impacts on either coastal environmental values or processes.</p> <p>There is no impact on water quality as a result of the proposal. The modernisation of the boatshed will lead to an improvement in the management of stormwater. A Stormwater Management Assessment has been provided with the application.</p> <p>The proposal is an attractive structure, lightweight in design and appearance, representing an improvement on the current building. Visual and scenic qualities are therefore improved.</p> <p>A Statement of Heritage Impact provided with this Development Application confirms the suitability of the</p>	Y

	<p>proposal and its ability to respect and interpret Grafton's cultural and built environment heritage.</p> <p>The consent authority can be satisfied that the proposal will not have any impact on the coastal environment or coastal use area which is designed to avoid any adverse impacts. Based on the available information there is nothing to warrant further investigation concerning contamination of the land.</p>	
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>The application does not seek approval to remove any native or protected trees.</p> <p>The land is not core koala habitat and the land does not have an approved koala plan of management applying to the land. As such, no further assessment is required.</p>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services (RMS) where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.</p> <p>On 27 July 2023 the NSW Roads and Maritime Services was notified of the proposal and no correspondence was received.</p> <p>Notably most of the works around the Rowing Club Building have been undertaken under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> as development that can be carried out by Council without consent under the SEPP. The adoption of the <i>Grafton Waterfront Precinct Plan of Management</i> (PoM) provides the statutory mechanism to implement the intent of the <i>Grafton Waterfront Precinct Master Plan 2011 and includes the Grafton Rowing Club</i>.</p>	Y
State Environmental Planning Policy (Industry and Employment) 2021	<p>The application is seeking consent for the inclusion of a building identification sign, noting that the Grafton Plan of Management permits signage with Memorial Park.</p> <p>The proposed signage is consistent with the aims and objectives of the policy in that the signage:</p> <ul style="list-style-type: none"> (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in a suitable location, and (iii) is of high quality design and finish. <p>The wall signage has been suitably incorporated with the building design and is considered to be consistent with the criteria listed in Schedule 5.</p>	Y
Clarence Valley Local Environmental Plan 2011 (the LEP)	<p>The site is located within the RE1 Public Recreation zone pursuant to Clause 2.2 of the LEP.</p> <p>A 'boat shed' and 'community facility' are permissible with consent within the zone.</p>	Y

	<p>The adoption of the <i>Grafton Waterfront Precinct Plan of Management</i> (PoM) provides the statutory mechanism to implement the intent of the <i>Grafton Waterfront Precinct Master Plan 2011</i> and includes the Grafton Rowing Club.</p> <p>Under Clause 2.7 of the LEP demolition of a building or work may be carried out only with development consent.</p> <p>Demolition is not exempt development if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>The zone objectives of the RE1 zone are:</p> <ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. <p>The proposal is consistent with the objectives as it provides for the upgrading of an existing recreation facility to bring it up to contemporary community needs. The development enables the land to continue to be used for public open space and recreational purposes, settings and activities. The proposal will be provided with measures to protect and enhance the natural environment for recreational purposes.</p>	
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Consideration of the specific LEP Controls

Height (Cl 4.3)

The proposal will be 11.39 m at the highest point of the roof and complies with the height limit, being less than 14m

Heritage (Cl 5.10)

Under Clause 5.10(2) Development consent is required for demolishing or moving or altering the exterior of a heritage item; (including, in the case of a building, making changes to its detail, fabric, finish or appearance)

Under Clause 5.10(5) The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

A Statement of Heritage Impact is included with the Development Application, with the following conclusions and recommendations:

The Grafton Rowing Club Boatshed was redeveloped around the 1930s, however, this phase of construction has undergone several major renovations and extensions reducing the overall heritage significance to the place, but is still considered of high significance with fabric that best describes this phase of construction as containing a moderate degree of integrity.

Socially the Grafton Rowing Club Boatshed sits within the Memorial Park setting, adjacent to the Clarence River edge and has continued as a sporting facility for rowing and leisure for the past 141 years, since 1882. The boatshed was constructed c.1930, in the Functionalist style, with little or no embellishments. Although the boatshed is simplistic in style, the building contributes to the Grafton Conservation Area – C3, and is valued by the local community as a place to gather for rest and relaxation.

The Grafton Rowing Boatshed building forms part of the local heritage item, Memorial Park. The boatshed is also within the vicinity of multiple heritage items, see listing above. It should be noted that the Flood Gauges (I726), is no longer contained onsite. The subject site is also located within the Grafton Conservation Area (C3). This report considers the Grafton Rowing Club Boatshed as a contributory element to both the Memorial Garden and the Grafton Conservation Area – C3. The subject site has been assessed against the heritage guidelines of the Clarence Valley LEP 2011 and DCP 2011.

Following an on – site investigation and working with the architectural team and consultants, Nimbus Architecture and Heritage concludes that:

- The proposed scope of works will have a cumulative minor physical and visual impact on the Memorial Park. The impacts are considered acceptable as the proposed changes to the boatshed, allows the club to expand and provide once again a connection to the water's edge from the rooftop that has been lost. The ongoing use of the boatshed for the sport of rowing, will continue to flourish well past the 141 years the club has operated. The minor physical impact was mitigated by ensuring changes occur to areas of lesser significance, mainly the removal of the c.1996 extension that is consider containing little/low significance. What is significant about this later phase of construction, 1996 extension, is the social connection of the extension with the 2000's Olympic for training of teams from other countries.*
- The proposed scope of works will have a cumulative negligible visual impact to heritage items in the vicinity and the Grafton Conservation Area – C3. This was achieved by ensuring the bulk and scale of the proposal does not dominate the overall setting to the place, which is achieved using glazing to enclose club room spaces to allow a transparency. The visual impact was further mitigated by placing the mono-pitched roof above the horizon, allowing viewers within the park or on the deck to connect visually to the Clarence River and on to the district of South Grafton on the southern side of the river. It should be noted that there will be no physical impacts to adjacent heritage items or to the Heritage Conservation Area – C3.*
- The continuous use of the subject site for leisure and rowing is enhanced by the proposed scope of development works and will ensure a continuation for the sport of rowing for the last 141 years.*
- The proposed scope of works is considered acceptable from a heritage perspective.*

Recommendations

- *As noted in the proposed scope of works, the development will make use of sympathetic materials and colour schemes.*
 - *As part of the approval process, a full external colour scheme and colour board should be provided to the heritage consultant for review and approval.*
 - *When decided, internal colour schemes and material boards should be provided for review by heritage consultant.*
 - *A sample of the non – reflective glazing should be submitted and reviewed by the heritage consultants.*
- *Where possible, interpretation devices such as plaques or historical photographs should be installed and displayed for public understanding of local histories near the public viewing deck, interpreting the c.1996 phase of construction.*
- *The architectural drawings shall set out area where soil/spoil, demolition materials, new materials are to be placed to ensure that the Memorial Park, and Clarence River is not affected by the works.*
- *An archival recording to NSW Government standards should be completed around the subject building, from with the park, along the water's edge and from western and eastern side of the Grafton Rowing Boatshed building.*

An Aboriginal Heritage Information Management System (AHIMS) web service search for the subject site has been submitted with the application. It was found that there are no recorded Aboriginal sites or places in or near site

Comment:

It is proposed that the recommendations provided in the heritage assessment be included as conditions of consent.

Comments have been provided from Council's Senior Heritage and Strategic Planner regarding recommended additions and omissions in the SoHI which have been forwarded to the applicant; at the time of writing this report a response has not been provided. Notably the comments did not raise objection to the amended architectural plans, design elements, nor raise significant issues in regard to heritage impacts of the proposal.

Many of the comments raised in the request for information have been addressed in the amended SOHI and architectural plans including:

- consideration of the grading of the fabric items of the Rowing Club,
- reference to the Grafton Heritage Conservation Area C3;
- comparative examples of other rowing sheds to assess rarity and representativeness,
- visual impact assessment,
- consideration of colour schemes of the DCP,
- detailed architectural design statement and response,
- alteration to the roof design to be more of a floating roof and other details.

The amended architectural plans are supported by Council staff.

Page /n	Section	Matter
6	1.4	<i>Reference to the RNE is unnecessary as it is obsolete, and the item was not formerly on the RNE.</i>
7	1.5	<i>1.5 reference should be to The Icomos Burra Charter 2013 https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf</i>

7	1.7	<p>Acknowledgments Acknowledgments should include Sue Singleton of Eureka Heritage- Heritage Consultant and Archaeologist; should be acknowledged for use of her material. Singleton, Sue. 2021. Grafton Waterfront Precinct: Proposed Changes & Upgrades to Grafton Memorial Park & Grafton Rowing Club & The Boulevard. Statement of Heritage Impact, Retreat: Eureka Heritage . Brett Stubbs is a historian and not part of NSW Heritage Office or Clarence Valley Council. Jane Gardiner is a heritage advisor and not part of NSW Heritage Office or Clarence Valley Council.</p>
27-41		One reference to the photographer would be adequate for this table of photos.
49		<p>Grafton Heritage Conservation Area C3 statement of significance is on the SHI on this link and should be updated in the report. This postdates the 2011 DCP. https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5068138</p>
49		<p>South Grafton Heritage Conservation Area is not directly relevant to this site , although wider views and vistas should be considered and aspects from the opposite side of the river. The SHI reference is here https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5068140</p>
58		Grading of Significance noted. This has been addressed and concur with findings.
65-66		<p>Q. external concrete stairs lie outside of SOHI study boundary but may be connected to 1930 building due to pillars and plaques located at the top of the stairs on each side. Include some discussion /justification for this demolition and access requirements for demolition of these structures.</p>
75		<p>Impact on Significance and Setting It is considered that the impact is not 'minor' on the setting; It is not 'slightly altered' (page 74 criteria) but introduces two additional floor levels and a substantial change to the riverbank setting adjoining the memorial park and war memorials. (4.64m height above the footpath on Memorial Park.) There will be a considerable increase in the bulk and scale of the building, and it will be a new built structure adjoining a public footpath on a public viewpoint of the Clarence River which currently has an unimpeded view. The impact is on Memorial Park rather than the Rowing Club. This is considered to be moderate to major in terms of the impact on the setting.</p> <hr/> <p>Major Change to key historic building elements that contribute to the listing such that totally altered. Comprehensive changes to setting.</p> <hr/> <p>The SOHI should be transparent in acknowledging this impact. It is acknowledged that mitigation of the impact is discussed, and the revised design and the proposed material palette seek to address this impact on public views and setting of the Memorial Park and the parkland. As noted earlier, the installation of scaled height poles on the site of the building footprint would be useful to demonstrate the potential impact of the bulk and scale.</p>
84	8.2	<p>Recommendations/Conditions The key questions outlined in the NSW Heritage Office Model template should be addressed as part of the conclusion.</p>

Flood planning (CI 5.21)

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

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

(b) the intended design and scale of buildings resulting from the development,

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

Comment

A Flood Risk Management Report (**Attachment G**) has been submitted with the development application and as summarised in the SEE:

BMT Commercial Australia Pty Ltd have completed the flood assessment for the proposed alterations and additions at the boatshed within Memorial Park, Grafton. The report concludes: The proposed redevelopment of the Grafton Boatshed is not expected to cause significant impact to flood behaviour in the surrounding areas.

The Site is impacted during frequent flood events, with the boatshed and mezzanine levels being impacted from the 1 in 5 AEP design event, and the proposed Upper Deck from the 1 in 100 AEP design event. Due to the fact that the Site is in front of the flood levee, the Site becomes fully inundated before the SES evacuation triggers. Therefore, it is recommended that the Site has their own Flood Action Plan, encompassing elements discussed in this document, and in line with Section D.3.1.f of the Clarence Valley DCP (2011). The Flood Action Plan should be discussed with the Local NSW SES and Council to ensure its suitability.

The adoption of a Flood Action Plan is recommended as per the flood risk management report submitted for the proposal, in which there is a staged approach to flood preparedness depending on the predicted flood level at the Prince Street flood level gauge. A draft condition to this effect is proposed in the Draft Conditions of Consent (**Attachment H**).

As proposed as a condition of consent, a structural engineer's certificate will be required to be submitted with the construction certificate application to verify the existing structure can withstand the additional loads that will be imposed on it by the new additions. The certificate shall also certify that the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.

Acid sulphate soils (CL 7.1)

The land is mapped on the Acid Sulfate Soils Map as Class 1 and 4 acid sulfate soils.

Comment

Works are not proposed in the Class 1 area or more than 2 metres below the natural ground surface where the watertable is likely to be lowered more than 2 metres below the natural ground surface.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

NA

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The relevant Development Control Plan 2011 (DCP) is the Development in Environmental Protection, Recreation and Special Use Zones 2011; in particular the following sections are relevant to this application:

Part C1 Objectives:

The following objectives should be met in designing development:

- *Development which is responsive to site constraints and the surrounding environment.*
- *Development which is of a high quality and is sensitive to the rural character of the locality in which it is being developed.*
- *Development that is functional and appropriate for the type of use /activity being provided.*
- *Development /uses that provide adequate buffers to residential and other development to reduce conflicts between rural/agricultural uses and residential amenity.*

The development is located within the footprint of the existing Rowing Club building and within Memorial Park, there are no changes to the setbacks to the surrounding environment.

The design is considered to be high quality, functional for the much-needed upgrade and ongoing historical use of the rowing club. The new contemporary building is sympathetic to the heritage significance of the area and will result in a much more appealing and useable building.

The development is consistent with the DCP objectives.

C4.3 Heritage

The proposal includes a Heritage Impact Assessment, noting its location within the Heritage Conservation Area C3. and proximity to heritage items. Overall, the proposed building represents a significant improvement through architectural design that softens the building within its setting. Furthermore, the proposal is located well away from any heritage item, ensuring that an appropriate curtilage is retained.

C4.6 – Roofing

The roof form of the proposed upper level to the boatshed is provided with a simplistic mono - pitched roof complementing the historic character to buildings found in the adjacent vicinity. The roof form, gutters, and down pipes relate to the commercial nature of the boatshed which does not detract from the simplistic nature of adjacent heritage items.

C5.1 Siting

The proposal is for alterations and additions to an existing structure, and takes advantage of its views over the Clarence River, along with design features to manage climate including wind, sun and rain. The design considers and respects the setting of the heritage precinct with a floating roof design that maintains river vistas from the Park.

C5.3 – Energy Efficiency

The building complies with relevant energy efficiency standards

C5.4 – Materials and Colours

A schedule of finishes is included in the architectural plans that provide the palette of materials to be used. Finishes have been selected based on the recommendations from the Heritage Impact Assessment and in consultation with Council staff and are considered appropriate for the context of the site. A condition of consent is proposed that will require a schedule of all external finishes and colours, sympathetic to the significance and setting of the Heritage Item and/or Heritage Conservation Area, to be submitted to, and approved by Council prior to release of the Construction Certificate.

C17.8 Setback from flood levy wall toe

The existing boat shed is in front of the levy wall.

C25 Waste Management

Council's Waste & Sustainability officer has assessed the application and has recommended that the facility cater for basic waste management requirements for General Waste, Recycling and Food Organics. This could be Council's Commercial waste service with collection of 240lt and 360lt Mobile Garbage Bins s at an agreed collection point with the waste service provider.

Events that are applied for that use the Memorial Park, and/or the riverfront reserve, will be required to provide additional waste collection services under a temporary licence agreement issued for the event.

Any liquid waste that is to be discharged to Council's sewerage system will require the relevant Trade Waste Approval.

A draft condition is proposed for the storage of flammable fuels or hazardous chemicals and proper use of personal protective equipment when handling of flammable fuels or hazardous to comply with the Model Work and Health Safety Regulation as released by Safe Work Australia.

Part D – Floodplain management controls

A flood risk management report has been submitted with the development application that has considered the flood impacts.

The proposed redevelopment of the Grafton Boatshed is not expected to cause significant impact to flooding behaviour in the surrounding areas. The Site is impacted during frequent flood events, with the boatshed and mezzanine levels being impacted from the 1 in 5 AEP design event, and the proposed Upper Deck from the 1 in 100 AEP design event. Due to the fact that the Site is in front of the flood levee, the Site becomes fully inundated before the SES evacuation triggers. As recommended a Flood Action Plan, as per the flood risk management report, will be required as a condition of consent.

A structural engineer's certificate will be required to be submitted with the construction certificate application to verify the existing structure can withstand the additional loads that will be imposed on it by the new additions. The certificate shall also certify that the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.

Part E – Heritage Conservation

As submitted in the Statement of Environmental Effects submitted with the report:

- *The Grafton Rowing Club boatshed forms part of the Memorial Park in Grafton. The redevelopment of the boatshed is proposed to enhance the amenities for the club members and the local community that frequent the Memorial Gardens and the Clarence River edge.*
- *The Memorial Garden overall will be enhanced by the conservation and proposed alterations and additions to the locally listed Memorial Park, which contains the Grafton Rowing Club boatshed. The proposed alterations and additions designed by Nimbus Architecture and Heritage proposes to retain the c.1930 original fabric (with exception of a portion of the western wall for a wider door set), and where possible conserve fabric that best describes this phase of development. The roof form (flat pitch roof form) and materials (use of steel, glass and masonry) of the proposed alterations and additions respect the form and scale of the c.1930 building, while allowing a transparency when viewed against the original fabric. The proposed changes are within the original footprint of the building, with no impact upon adjacent landscape features.*
- *The architectural treatment of the proposed works is of materials that are robust and durable, and in keeping with the c.1930 building. The use of glazing and timber elements are proposed against the c.1930 building to understand that the extension is of a new phase and doesn't detract from the significance to c.1930 building or the Memorial Park located in Grafton or adjacent heritage items.*
- *Statement of Heritage Impact allows the authorities to make an assessment against the proposed demolition works, alterations and additions to the boatshed, by defining both the physical and visual impacts that may result from the proposed conservation work and proposed alteration and additions to the boatshed that may occur to the Memorial Park and adjacent heritage listed items. It should be noted that an archival recording should be completed within the immediate area to the boatshed where works are proposed. It is not intended to demolish the c.1930 building, only the later additions relating to the c.1996 phase of construction and other additions, that are considered intrusive, which includes the Judges tower and recent intrusive roof decking covering the c.1930 building.*
- *The retention of the c.1930 building, will provide public awareness in the conservation of the building after the completion of the works, while also illustrating how a heritage significant building can be maintained, enhanced, and interpreted by the proposed changes, illustrating the continued use of the site for recreational activities for the last 141 years.*
- *A Statement of Heritage Impact has been included with the development application.*
- *The proposed colours to the boatshed extension roof covering is darker in colour to make the covering recessive when viewed against the Clarence River and further onto South Grafton.*
- *The underside of the roof covering has been lightened up (blending in with the sky), to allow the roof covering to appear as floating and less heavy when viewed against the Clarence River and onto South Grafton district.*
- *The partial covering to the club house is of timber, which gives a warm natural glow to the club house and blending in with the water to the Clarence River and the landscape in the background.*
- *The use of non-reflective glass balustrades and encloser to the club house is proposed to allow views to the Clarence River and onto the South Grafton District, further reducing the visual impacts that may result from the proposed alterations and additions and use of solid materials.*

- *It is not intended in this proposal to add additional signage to the boatshed, other than integrated signage for wayfinding, and naming of the building, which does not detract from the significance to the place, its setting, Memorial Park, Grafton Conservation Area – C3 or adjacent heritage items.*
- *The wellbeing of Memorial Park and the boatshed as a result of the construction phase will not have a detrimental effect on the heritage significance to the place. The architectural drawings should identify areas where the staging of works, including the placement of soil/spoils, demolished materials, and placement of new materials are to be stockpiled. This will ensure that the Clarence River and the Memorial Park are protected, including the heritage values and significance that they contain.*

S11.2 Stormwater runoff, drainage and waterways and wetlands

A stormwater management plan was prepared and submitted with the Development Application. The proposal will not impact aquatic habitat, either through pollution, removal or blockages to fish habitat.

Clarence Valley Contributions Plan 2011

Section 7.12 levies rates for development other than Residential Accommodation development. This Contributions Plan has been considered and no contributions are levied for Community Facilities. The development is exempt from all Section 7.12 and Section 64 charges under Council's Development Contributions for Community Facilities Policy.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

Demolition of the existing building is addressed in the recommended draft conditions with regards to provisions of AS 2601 - The demolition of structures.

Section 66A – Conflict of Interest

The application has been considered against Council's adopted Conflict of Interest Policy and an Independent Peer Review of the application has been undertaken in accordance with Council's Conflicts of Interest Policy as Council is the land manager of the reserve. The independent review is provided under a separate attachment.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the Environmental Planning and Assessment Regulation 2021 are relevant to the proposal. These provisions have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. The consideration of impacts on the natural and built environments includes the following:

Context and setting

The proposal is considered to be generally consistent with the context of the site, in that the proposed redevelopment of the rowing club is appropriate as a result of detailed consideration of the Heritage listed items and Heritage Conservation Area.

The land use is not proposed to change as it will still function as a community facility and boat shed.

Public Domain

The proposal will increase the available public space and provide an updated design with an outdoor amphitheatre and views to the Clarence River. The proposal will include a pedestrian linkage to Memorial Park.

Utilities

All utilities are available at the site. No upgrade to key utilities are required as a result of the proposal.

Natural environment and Natural Hazards

The natural contours of the site will not be change. The Flood Assessment report has recommended a Flood Action Plan that will be required as a condition of consent.

Noise and vibration

Construction noise is mitigated by a condition imposing restricted construction hours - the reduced construction hours

Lighting

A draft condition is proposed requiring that any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.

Safety, security and crime prevention – CPTED

The principles have been considered and the rowing club is clearly visible from Memorial Park, new riverfront walkway and surrounding buildings. Lighting has been provided in and around the rowing club as part of the recent Grafton Waterfront Precinct Plan works. Sensor security lighting and CCT monitoring can be provided in many vantage points of the building. A condition of consent is recommended in the following terms: *Prior to the issue of a Construction Certificate details of crime prevention measures shall be provided to and approved by the Principal Certifier. This is to include the installation of Closed-Circuit Television (CCTV) and lighting in accordance with the Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer by Design' guidelines.*

Social impact

The proposal will provide an improved community and recreation facility which will provide a platform for community related events including regattas and other events to develop the historical rowing and water related sports in the region and provide upgraded facilities for key user groups such as the Rowing Club, School sport participants, RSL and other war veteran and supportive organisations.

Economic impact

Providing an improved community sport based facility will provide indirect economic benefits. The use of the rowing club shed has potential to be an Olympic compatible venue and will potentially increase the number of visitors to the region as suggested in evidence of past use as a training facility for past Commonwealth and Olympic games.

Site design and internal design

The proposal is set out appropriately and will improve the use given the site constraints. The design elements reduce the impacts on the Heritage Conservation Area. Design elements have been discussed in this report.

Construction

Construction noise can be mitigated by a condition imposing restricted construction hours. A Construction Management Plan is proposed prior to commencing works to assess and mitigate impacts.

Cumulative impacts

The proposal will not result in any adverse cumulative impacts and is consistent with the planning controls.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed redevelopment of the Rowing Club Shed will enhance the attractiveness of the building and is considered to be well designed for practicality and fit within the locality, with particular consideration given to the Heritage Conservation Area.

Services, transport infrastructure and public open space are considered adequate.

The site attributes such as zoning, location, adjoining uses are conducive to the development, with conditions included in the consent to mitigate any adverse impacts.

The flood risks for the facility, which have been adequately managed in the past, can be adequately addressed to aid in flood preparedness through the adoption of a Flood Action Plan that has been proposed in a condition of consent.

3.4 Section 4.15(1)(d) - Public Submissions

The application was placed on public exhibition from 25 May 2023 to 26 June 2023, with one (1) submission being received. The submission has been considered as not being of relevance to the assessment of the application and the matters raised not deemed related to the application. The comments relate only to the content of the original SOHI, raising concern of unauthorised use of material and falsely claiming that author of the material had been consulted. The writer of the submission has conversed with the authors of the SOHI and it was to be addressed in the amended SOHI to be submitted.

3.5 Section 4.15(1)(e) - Public interest

The proposal is in the public interest for the following reasons:

- It will provide an improved community facility that is fit for purpose and will accommodate local and regional events and sporting facilities for the key uses in the community. The facility will be adaptable as a multi-useable space for the community and will have a positive impact on the health and safety of the public, from improved social and economic benefits
- The site is suitably located and easily accessible.
- Safety of the public can be ensured by implementing CPTED design elements,

- The impacts on climate change are expected to be minimal.
- The development is consistent with the objects of the Act.

The proposal is consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was not required to be referred to any agencies for comment/concurrence/referral as required by the *Environmental Planning and Assessment Act 1979* and other legislation or Planning Instruments.

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 1: Consideration of Council Referrals

Officer	Comments	Resolved
Building	<p>The building is capable of complying with the National Construction Code and this will be fully assessed at Construction Certificate stage.</p> <p>A hydrant is located in memorial park-within 90m of all parts of the building. A fire hose reel system will be needed.</p> <p>The building will need to be fully accessible in accordance with AS1428.1-2012 and comply with the energy efficiency requirements of Section J of the National Construction Code.</p> <p>A construction management plan will be needed, especially with the adjacent and popular riverfront walk.</p> <p>A erosion and sediment control plan will be needed.</p>	Y
Environmental Health	The construction phase of the proposed development shall be conducted in accordance with the <i>Protection of the Environment and Operations Act 1997</i> .	Y
Trade Waste officer	<p>Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate</p> <p>An application to discharge liquid trade waste to Council's sewerage system shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.</p> <p>All sinks and floor wastes in food preparation areas shall contain basket arrestors.</p> <p>All liquid trade waste from the kitchen on the Club Deck and the kitchen and the Coffee Cart on the Upper Deck, shall discharge through a grease arrestor sized according to the peak influent flow rate. The minimum permitted volume of the grease arrestor is 1000L if the peak influent flow rate is less than 1000L/hr. The grease arrestor shall be installed in accordance with AS/NZS3500, the plumbing code of Australia and Council requirements. It shall be located in an area accessible for the pump out contractor. A</p>	Y

	<p>hose tap equipped with an appropriate backflow prevention device shall be located within 5m of the grease arrestor.</p> <p>Chemical and oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.</p>	
Waste & Sustainability officer	<p>Council's Waste & Sustainability officer has assessed the application and has recommended that the facility cater for basic waste management requirements for General Waste, Recycling and Food Organics; this could be Councils Commercial waste service with collection of 240lt and 360lt MGB's at agreed collection point with the waste service provider.</p>	Y
Senior Strategic Planner (Public Land/Native Title)	<p>Lot 7001 DP 1054597 is part of the Grafton Memorial Park being part Reserve 85477 for Public recreation notified 15 October 1965.</p> <p>The land is covered by a valid plan of management adopted by Council under the <i>Local Government Act 1993</i>. The plan of management notes that the Grafton Rowing Club building was proposed to be redeveloped.</p> <p>Native title may continue to exist on part(s) of the reserve. I note that the DA includes a notification letter under s24JB of the <i>Native Title Act 1993</i> (Cth) to NTSCorp, including a cc'd copy to Grafton Ngerrie.</p> <p>The proposal is within the footprint of the current use</p>	Y
Heritage	<p>The revised plans are more sleek and the reduced fascias are much more appealing. The perspectives are very useful in relation to the Cenotaph and setting.</p> <p>Separate comments have been provided in relation to the SoHI content and suggestions.</p> <p>Conditions have been recommended in regard to:</p> <ul style="list-style-type: none"> • The NSW Heritage Act 1977 and the provisions in relation to the exposure of relics. • Requirements of Clause 5.10 of the Clarence Valley LEP 2011 in relation to Heritage Items and any building in the Heritage Conservation Area. • A schedule of all external finishes and colours, sympathetic to the significance and setting of the Heritage Item and/or Heritage Conservation Area are to be submitted for approval. 	N
Architect / Planner	<p>Floating roof concept reinstated – removal of deep fascia - amended as requested. The minimalist floating roof form looks great. The new perspectives they have provided help portray it in the setting.</p> <p>Warmer cream colours for masonry external walls – amendment great as requested.</p> <p>Flat roof above portion of existing building is now trafficable – they have clarified this. Assume they will glaze it similar to the other balustrade, supported aesthetic wise. Thankfully they have included balustrade detail in materials schedule which will be stamped for compliance.</p> <p>Removal of timber batten balustrade upper level – great creates improved views out to the river from Memorial Park and removes this obvious modern element.</p>	Y

Environmental Health	<p>Prior to the Construction Certificate plans drawn to a scale of 1:50 detailing all food and drink related areas shall be provided to and approved by Council. Plans are to include:</p> <ul style="list-style-type: none"> a. floor plan and elevations; b. Layout of kitchen, bar and all equipment; c. All internal finish details including floors, wall, ceiling and lighting; d. Hydraulic design and /or method of disposal of trade waste; and e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required <p>Any premises that is part of the food business used for the storage, handling or sale of food shall meet the requirements of the <i>Food Act 2003</i> and <i>FSANZ Food Safety Standards</i>.</p>	Y
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4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 25 May 2023 until 26 June 2023. One submission was received during the exhibition period which raised concern as to the content of the SoHI and raised no objection to the actual proposal.

The Grafton Rowing Club redevelopment was reported to the November 2022 Council Ordinary meeting of Clarence Valley Council seeking in principle support. The report was publicly available in Council's business paper. At this meeting Council resolved unanimously *That Council as Crown Land Manager of RE85477 1. Provide in principle support for the upgrade of the Grafton Rowing Club in accordance with the plans in Attachment 1; 2. Note that a development application will now be lodged for assessment.* The minutes are provided as.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail. A meeting was held with the applicant, heritage consultant and architect to discuss the development on 6 July 2023. A Request for Information issued on 26 June 2023 was due 17 July 2023. An extension to provide the information at the applicant's request was allowed/granted up to 7 August 2023. The issues raised have been adequately addressed and commented on below.

Statement of Heritage Impact

This Statement of Heritage Impact (SoHI) has been updated to adequately address the heritage impacts of the proposed development. This has been discussed in this report.

Statement of Environmental Effects

The applicant has lodged a Statement of Environmental Effects that is specific to the development and adequately addressed the environmental impacts of the development and the relevant planning statutory requirements; justifies the consistency of the proposal with the Grafton Waterfront Masterplan, addresses flood impacts and building design compatibility.

Conditions of consent have been recommended in regard to waste management, flammable and hazardous storage requirements, lighting, safety and Crime Prevention through Environmental Design (CPTED) principles.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the issues raised in the initial assessment it is considered that the application can be supported.

It is considered that the key issues have been resolved satisfactorily through amendments to the proposal and in the recommended draft conditions at **Attachment H**.

7. RECOMMENDATION

Following a preliminary assessment of the development application in relation to the development controls, taking into account the issues raised in submissions from the community, Council officers and agencies, the Council considers that the proposal can be supported:

That Application PPSNTH-220 – [DA2023/0262 / PAN-320342 / DA2023/0262] for the Redevelopment of the Grafton Rowing Club building (converting existing ground floor boatshed and mezzanine into a purpose-built boatshed, roof level into a purpose-built club deck areas, judges tower marshalling area, amenities, office, kitchen, lounge and gym) including demolition, be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, for the reasons listed below, subject to the draft conditions of consent attached to this report at **Attachment H**.

- The development complies with the Clarence Valley Local Environmental Plan 2011 and relevant Development Control Plan that is applicable to the proposed development.
- The development is consistent with the objectives of the zone.
- The development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The development is consistent with the objects of the Environmental Planning and Assessment Act 1979.

The community was properly consulted as part of the assessment in accordance with the requirements of the Clarence Valley Community Participation Plan and *Environmental Planning and Assessment Act 1979*.

8. ATTACHMENTS

The following attachments are provided:

Attachment A. Grafton Rowing Club Council Report and Minutes 22.11.23

Attachment B. Statement of Heritage Impact (August 2023)

Attachment C. Grafton Waterfront Precinct Plan of Management

Attachment D. Architectural Plans (Revision B 3.8.23)

Attachment E. Statement of Environmental Effects (dated 4.8.23)

Attachment F. Grafton Waterfront Precinct Master Plan 2011
Attachment G. Flood Risk Management Report, (dated 27.10.2022)
Attachment H. Draft Conditions of Consent
Attachment I. Crown Land owners consent 27.04.2023