



Mike
Svikis
Planning

Grafton Rowing Club Redevelopment



DA2023/0262 Report Peer Review

Prepared for the Northern Regional Planning Panel
and Clarence Valley Council

by MikeSvikisPlanning

26 September 2023

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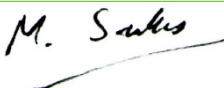
ABN 84638645183

3 Gibbingbell Close Ocean Shores 2483

Mob: 0447 805 871

Ph: (02) 6680 1003

E: mikesvikisplanning@bigpond.com

Rev No	Author	Approved for issue	
		Signature	Date
A	Mike Svikis		26 September 2023

Executive Summary

The purpose of this report is to provide an independent peer review of the final development assessment report prepared by Clarence Valley Council (CVC) for the proposed Grafton Rowing Club redevelopment (DA2023/0262).

The proposed development is consistent with the relevant strategic documents including the *Clarence Valley Council Local Strategic Planning Statement* (2020) and the Community Strategic Plan – *The Clarence 2032*.

All of the subject land is within Crown land reserve (RE85477), which is managed by CVC as Crown Land Manager. The land on which the existing club is located is leased to the Grafton Rowing Club. The broader area, including the subject land, is subject to the Grafton Waterfront Precinct Plan of Management adopted 23 February 2021. It is managed as if it is Community land under the *Local Government Act 1993*. This PoM provides the statutory mechanism to implement the intent of the Grafton Waterfront Precinct Master Plan 2011. The PoM substantially permits the proposed development; however, the redeveloped boat shed and clubhouse will extend 66 m² onto land categorised as Park, and this small area will need to be amended to General Community Use if the DA is approved.

The site is located in the RE1 Public Recreation zone pursuant to clause 2.2 of the *Clarence Valley Local Environmental Plan 2011* (LEP 2011). It is agreed that the part demolition and construction of a building for the purposes of a 'boat shed' and 'community facility' is permissible with consent in the RE1 zone.

The Council report outlines that the development is compliant with the zone objectives and General Controls and Development Standards in LEP 2011. The key issues of heritage and visual impact are addressed adequately. The site has no opportunity to provide on-site car parking, but never has had on-site car parking.

It is agreed that the development is compliant with relevant SEPPs.

The Council report addresses the merit of the application and its likely impacts. It is agreed that overall, the site is suitable for the proposed use and that subject to the proposed conditions, it should have minimal negative impacts on surrounding land use or the wider community.

The Council report identifies one submission received from the public exhibition of the development application and the issue raised has been addressed by reissuing the SOH.

The conditions proposed for the development are relevant and reasonable. A few matters are recommended to be added. Subject to some minor changes, the conditions are supported.

The Council recommendation to approve the development subject to conditions is supported.

CONTENTS

Executive Summary	i
1 PURPOSE OF THIS REPORT	1
2 STRATEGIC MERIT	2
2.1 Grafton Waterfront Precinct Plan of Management 2021	2
2.2 Clarence Valley Council Local Strategic Planning Statement 2020	3
2.3 Community Strategic Plan – The Clarence 2032	3
2.4 Clarence Valley Council Operational Plan 2023/24	4
3 STATUTORY COMPLIANCE	5
3.1 Integrated Development	5
3.2 Clarence Valley LEP 2011 Compliance	5
3.3 Clarence Valley DCP Compliance	5
4 SITE-SPECIFIC MERIT	7
5 SUBMISSIONS	11
6 CONDITIONS	12

1 PURPOSE OF THIS REPORT

The purpose of this report is to provide an independent peer review of the development assessment report prepared by Clarence Valley Council (CVC) for the proposed redevelopment of the Grafton Rowing Club (DA2023/0262). The street address is 2A Prince Street Grafton. The CVC report was prepared by P Ridgway and is dated 12 September 2023. The architectural plan set is dated 3/08/23 with multiple revision identifiers (A, B and C). The draft conditions were supplied by email on 15 September 2023.

The development is for demolition of part of the existing Grafton Rowing Club boat shed and construction of a new multi-level boat shed and clubhouse with publicly accessible deck areas, judge's tower, amenities, office, kitchen, lounge and gym. Lower levels will be accessible by both stairs and a lift.

The applicant is Grafton Rowing Club. The land owner is the Crown. The subject land is a Crown reserve managed by CVC.

This report is not intended to be a full reassessment of the CVC development assessment report. It will review the CVC report and recommendations in a strategic, statutory and site-specific merit context. It will also review the submissions and recommended conditions prepared by CVC.

Mike Svikis is an independent consultant planner and does not have any conflict of interest in relation to this project (actual or perceived). I am currently not engaged by CVC on any other planning projects. This report has been prepared with the utmost probity to ensure that the outcome is of a high standard and can be relied upon by the Northern Regional Planning Panel.

Mike Svikis inspected the subject land on 22 August 2023.

2 STRATEGIC MERIT

2.1 Grafton Waterfront Precinct Plan of Management 2021

All of the subject land is within Crown land reserve (RE85477), which is managed by CVC as Crown Land Manager. The land on which the existing club is located is leased to the Grafton Rowing Club. The broader area, including the subject land, is subject to the Grafton Waterfront Precinct Plan of Management adopted 23 February 2021. It is managed as if it is Community land under the *Local Government Act 1993*. This PoM provides the statutory mechanism to implement the intent of the Grafton Waterfront Precinct Master Plan 2011. On page 54, the PoM states in relation to permitted development:

Consequently, this PoM authorises, within the requirements of relevant legislation, future development of the land for the purpose of effecting:

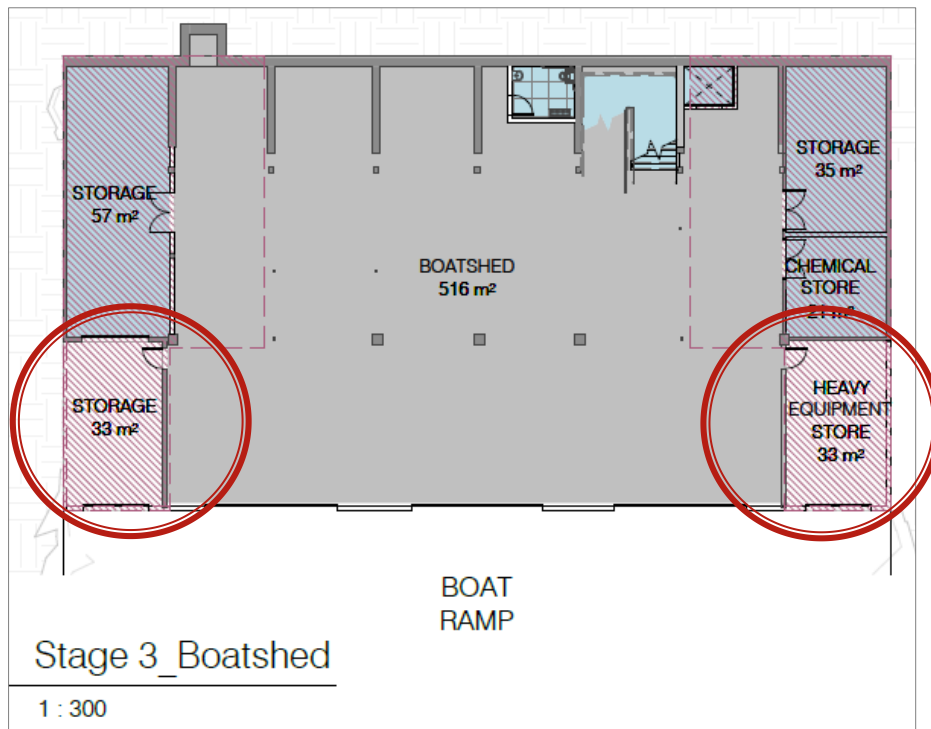
- *Alterations, additions and improvements to the existing land, buildings and infrastructure to provide improved facilities for the uses permitted by this PoM including alterations, additions or improvements to enhance recreational uses such as organised sports and passive and active recreation including skate parks and community gardens; and educational, cultural, leisure, health; and social activities,*

Comment: The land on which the boat shed and clubhouse is located is within Lot 7001 DP 1054597. The part of this lot on which the existing club is located is categorised in this PoM as General Community Use (Figure 1). The land immediately surrounding the boat shed is categorised as Park. The development as proposed is substantially located on General Community Use land and the development is consistent with this category. However, Stage 3 of the redevelopment includes expansion of the boat shed by locating two 33 m² storage sheds onto land categorised as Park (Figure 2).

Figure 1: Land categories under the PoM



Figure 2: Two areas proposed in Stage 3 are located on land categorised as Park



Although the upgrade and expansion of the boat shed is identified in the PoM (page 39), a modification of the categories should be undertaken to expand the General Community Use area by 66 m² to reflect the larger building proposed in this DA. This will require an amendment to the PoM. If this development is approved, Council should consider commencing the PoM amendment process. Amending the PoM does not need to be conditioned in this DA.

2.2 Clarence Valley Council Local Strategic Planning Statement 2020

The Local Strategic Planning Statement (LSPS) was adopted in 2020, and provides a broad strategic framework that sets the direction for land use planning in the Clarence Valley for the next 20 years. It includes priorities to manage growth and development, and to protect our environment and the character of our spaces and places.

Comment: This project is consistent with:

Priority 5 – *Provide for healthy, safe and well connected communities, particularly providing for social infrastructure* (page 34); and

Priority 6 – *Preserve and enhance the local character and heritage of our diverse places and communities* (page 36).

2.3 Community Strategic Plan – The Clarence 2032

Prepared in 2022, *The Clarence 2032* is a ten-year plan that sets out a long-term plan for a range of issues. It states that “[You told us you wanted] “passive and active recreational infrastructure that is well-planned and maintained” (page 32).

Comment: This project will deliver modern rowing related infrastructure that is also relevant to other park users and the general public. It is consistent with the Clarence Valley Community Strategic Plan 2032.

2.4 Clarence Valley Council Operational Plan 2023/24

This project is not Council funded and is not part of the Operational Plan. The Grafton Rowing Club was successful in seeking over \$1.8 million in funding under the Bushfire Local and Economic Recovery Fund (BLERF) to improve the club's facility. In principle support was given by CVC on 22 November 2022.

3 STATUTORY COMPLIANCE

3.1 Integrated Development

Comment: Both the applicant and CVC have indicated that the application is not Integrated Development. The provisions of the *Water Management Act 2000* provide that works that would otherwise be a controlled activity (and therefore Integrated Development) are exempted from being Integrated if it is subject to a *Crown Land Management Act 2016* lease, licence or permit. Given that the boat shed is to be expanded 66 m² beyond its current footprint, it needs to be established that this area is subject to a lease, licence or permit, or Integrated Development is triggered. No assessment of this has been provided by the applicant or included in the planning report.

Subsequent conversations with Council planners have confirmed that Integrated Development does apply to this DA.

A condition is required that this matter be referred to the relevant State Water Agency pursuant to section 91 of the *Water Management Act 2000*.

3.2 Clarence Valley LEP 2011 Compliance

The site is located in the RE1 Public Recreation zone pursuant to clause 2.2 of the *Clarence Valley Local Environmental Plan 2011* (LEP 2011). It is agreed that the part demolition and construction of a building for the purposes of a **boat shed** and **community facility** is permissible with consent in the RE1 zone.

***boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.*

***community facility** means 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.

Comment: The Council report outlines that the development is substantially compliant with the zone objectives and General Controls and Development Standards in LEP 2011. I agree that the development is compliant and no variation pursuant to clause 4.6 of LEP 2011 is required.

It is agreed that the development is compliant with relevant SEPPs.

3.3 Clarence Valley DCP Compliance

Comment: It is agreed that the development should be assessed against the Clarence Valley Development Control Plan: Development in Environmental Protection, Recreation and Special Use Zones 2011. This has only been partly undertaken in the planning report.

The development does not comply with Part F – Parking and Vehicular Access Controls. A community facility is normally required to supply one (1) space per 10 seats or one (1) space per 15 m² of main assembly area, whichever is the greater. The existing boat shed (approximately 520 m²) has no dedicated car parking and this development will increase floor space by adding a mezzanine level (approximately 520 m²) and a roof level club area (approximately 600 m²). There is no assessment of what the parking shortfall is or what public parking options nearby are available

to rowing club users. Bicycle racks are not included in the design, but with junior rowers using the facility, they should be.

If a DCP provision is to be varied, the extent and justification for that variation should be properly documented in the SEE and Council report.

Both the SEE and the planning report provide minimal assessment of the impact of construction traffic on Memorial Park, the waterfront and public streets and parking in the vicinity of the site. The locality is heavily used by the public and a traffic impact assessment would provide some evidence of anticipated impacts over stated periods of construction. Traffic management is to be included in a CEMP as a condition, but this is anticipated seven (7) days prior to works commencing. If unsatisfactory impacts are identified, this will result in building costs escalating or penalties applying. A stand-alone Traffic Management Plan (which address the construction phase and post completion) is required prior to issuing the construction certificate.

The development is not assessed against Part G – Sustainable Water Controls, or Part H – Erosion and Sediment Controls.

The report would benefit from a table of DCP Compliance (or non-compliance) as attached to other recent CVC planning reports submitted to the Panel.

4 SITE-SPECIFIC MERIT

(i) The natural environment (including known significant environmental values, resources or hazards) and heritage

The subject land contains the existing rowing club boat shed and has minimal ecological values. Two recently planted landscape trees will need to be relocated to avoid damage during demolition and construction. They can be replaced after works have been completed. A landscape plan should be submitted indicating where trees may be planted post construction and to demonstrate compliance with waterfront beautification works and objectives.

The subject land is identified as being within a flood planning area based on the design flood event (1% AEP). It is entirely affected by the Probable Maximum Flood (PMF). The ground floor boat shed and mezzanine club levels are impacted by the 20% AEP design event, and the proposed upper deck is impacted by the 1% AEP design event. When the upper deck is affected, the levee that protects Grafton will have been overtopped. The current boat shed floods regularly and has been constructed to deal with this. The new boat shed will also be constructed to be flood impacted. A Flood Action Plan is proposed as a condition of approval and this is supported. It is also agreed that a structural engineer's certificate be required to be submitted with the construction certificate application to verify that the existing structure can withstand the additional loads that will be imposed on it by the new additions. Overall, flooding is adequately addressed by the development design.

One flooding issue that needs to be addressed is a flood action plan specific to the construction phase. It is noted that there are relatively short inundation times for the ground floor boat shed and Prince Street vehicle access. A condition is required that the demolition and construction team have a flood action plan to evacuate machinery and loose items from the lowest levels of the site prior to being inundated by floodwater.

The site is unlikely to be contaminated by past land use; however, excavated material will be subject to an unexpected find procedure.

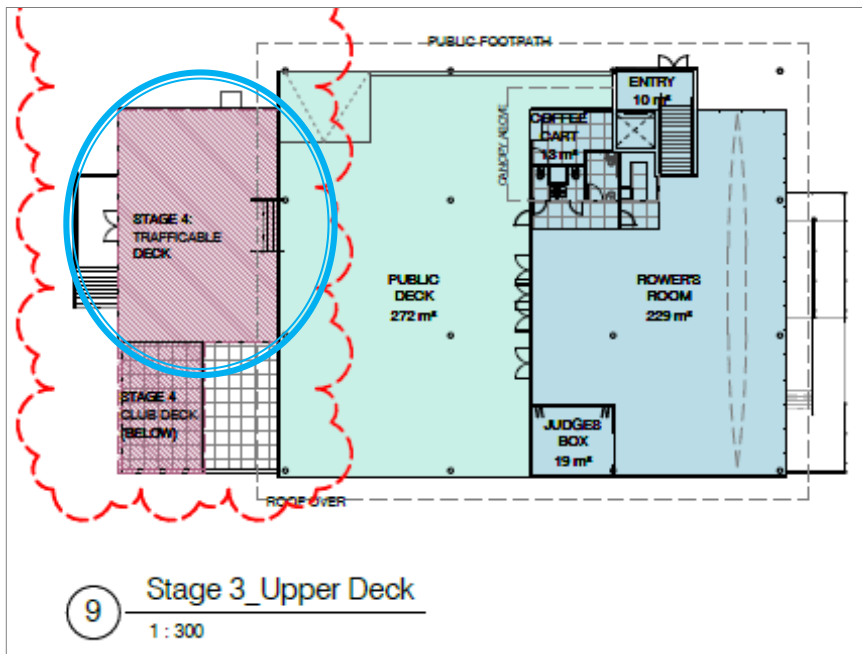
The building is not a listed heritage item; however, it is located within the Heritage Conservation Area (HCA) for Grafton and within the vicinity of local heritage items. The existing building has heritage significance at a local level for its strong historical values, associational and social values. However, the Statement of Heritage Impact (SOHI) found that there have been previous detrimental additions and modifications to the building. A large part of the current 1930s boat shed fabric will be retained in any case. The proposed design is modern and functional, but respects its heritage location.

The subject land does not contain an item of Aboriginal heritage according to the AHIMS website. Although the site is highly disturbed, appropriate caution should be implemented to avoid any impact on Aboriginal heritage should it be present on the site.

The proposed roof top addition will impact on views from Memorial Park towards the river; however, plan modifications to the roof line, fascia and balustrade have addressed this to the point that what is proposed is acceptable. Including a publicly accessible viewing area enhances the opportunity to take in the river views at this location from an elevated position.

The proposed development includes a trafficable deck at the mezzanine level to be made accessible in Stage 3 (or Stage 4) (Figure 3). The balustrade shown in plans does not appear to meet the NCC requirements for safety. This can be addressed in conditions.

Figure 3: Accessible trafficable deck at the mezzanine level



(ii) The existing uses, approved uses and likely future uses of land in the vicinity of the proposal

The subject land is located in an area that currently contains a mix of community facilities and non-residential uses. The proposed development is located on a site that has a long association with the Grafton Rowing Club. It is well located to service the Grafton community. The structure will also be available for use by non-rowers, eg memorial services. It also has potential to attract an international rowing team for the Brisbane Olympics or lead up events.

Neighbourhood impacts will be greatest during the demolition and construction phase. A condition needs to be included to ensure that works do not impact physically with machinery (or with noise, dust, etc) on Memorial Park at key times such as ANZAC day, Long Tan day, or Armistice day.

It is noted that a large light pole (and outdoor power point) is located in front of the proposed western storage area (Plate 1), and it will inhibit access to the storage to be constructed in Stage 3. A condition needs to be included that if this pole is to be moved, it is the Grafton Rowing Club's responsibility.

It is also noted that excavation will be required at ground level on the river side of both the eastern and western storage areas (Plate 2). No information is supplied regarding this work. A condition needs to be included that this excavation needs to be assessed by an engineer to ensure it does not affect the integrity of the flood levee.

Plate 1: Light pole in front of proposed western storage area



Plate 2: Excavation required on river side of both eastern and western storage areas



(iii) The services and infrastructure that are or will be available to meet the demands arising from the proposal

The site has existing connections to reticulated water and sewerage that can be used for the proposed development. It also has existing mains power and telecommunication connections.

The application is supported by a set of plans that outline stormwater infrastructure, but not a stormwater management plan (SMP). The proposed development has an increased footprint of 66 m², which is less than the 150 m² trigger for an SMP contained in Part G2 of the DCP. However, compliance with Council's 'Sustainable Water Requirements' (Clarence Valley Council, 2022) is a desirable outcome for a development located right on the river's edge. An SMP is not required, but improvements to water quality leaving the site are highly desirable.

Vehicle access will be via Prince Street, as is currently the case. No car parking is available on site currently and there is no potential for it to be supplied on site without taking up valuable riverside open space. No analysis is provided as to whether there will be an increased demand for parking, and how surrounding public streets and car parking will be impacted by any increased demand that results from increased floor space in this community facility.

5 SUBMISSIONS

The Council report identifies one submission received from the public exhibition of the development application. It was from a heritage consultant raising concerns about acknowledgment of heritage information used in the SOHI. This matter has been resolved by reissuing the SOHI with appropriate acknowledgement of other consultants' work.

6 CONDITIONS

The conditions proposed for the development are relevant and reasonable. A few matters are recommended to be added or altered as follows:

- The consent needs to clearly state a brief description of the proposal such as the following text:

The development application (DA2023/0262) seeks consent for the part demolition of the Grafton Rowing Club boatshed and construction of a new multi-level boatshed and clubhouse with publicly accessible deck areas, judge's tower, amenities, office, kitchen, lounge and gym. Lower levels will be accessible by both stairs and a lift.

- The consent conditions need to have the following Northern Regional Planning Panel summary table at the front:

PANEL REFERENCE & DA NUMBER	[Panel Ref Number] – [DA#]
PROPOSAL	[brief description]
ADDRESS	Lot ## DP ## [Street Address]
APPLICANT	
APPLICATION TYPE (DA, Concept DA, MOD, Integrated, Designated)	

The following new conditions are recommended prior to issuing the construction certificate:

- A new condition should be added requiring that this matter be referred to the relevant State Water Agency pursuant to section 91 of the *Water Management Act 2000*.
- A new condition should be added that a stand-alone Traffic Management Plan (which addresses the construction phase and post completion) is required prior to issuing the construction certificate.
- A new condition should be added requiring that a landscape plan should be submitted indicating where trees may be planted post construction, and to demonstrate compliance with waterfront beautification works and objectives.
- A new condition should be added that requires the demolition and construction team to have a flood action plan specific to their time on the site that identifies triggers to evacuate machinery and loose items from the lowest levels of the site prior to being inundated by floodwater.
- A new condition should be added which identifies that the trafficable deck at the mezzanine level to be made accessible in Stage 3 (or Stage 4) includes a balustrade that meets the NCC requirements for safety.

The following new conditions are recommended prior to works commencing:

- A new condition should be added requiring that demolition or construction works do not impact physically with machinery (or with noise, dust, etc) on Memorial Park at key times such as ANZAC day, Long Tan day or Armistice day.
- A new condition should be included that if a light pole in front of the boatshed is to be moved then the relocation costs will be the responsibility of the Grafton Rowing Club.
- A new condition needs to be included that any excavation into the base or other components of the flood levee wall needs to be assessed by an engineer to ensure it does not affect the integrity of the flood levee.

Comment: Subject to the above recommended changes, the conditional approval of the DA is supported.



MikeSvikisPlanning

ABN 84638645183

3 Gibingbell Close Ocean Shores 2483

Mob: 0447 805 871

Ph: (02) 6680 1003

E: mikesvikisplanning@bigpond.com