

DATE OF DETERMINATION	6 October 2023
DATE OF PANEL DECISION	5 October 2023
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow and Michael Wright
APOLOGIES	None
DECLARATIONS OF INTEREST	Councilors Peter Johnstone, Greg Clancy and Ian Tiley declared a conflict of interest as they voted on a resolution related to funding of the development application fees for the redevelopment of the Grafton Rowing Club as elected Councilors.

Papers circulated electronically on 15 September 2023.

MATTER DETERMINED

PPSNTH-220 – Clarence Valley – DA2023/0262 at 2A Prince Street, Grafton – Demolition of internal structures, upper and mezzanine floors, roof cladding, judges tower and staircases. Converting existing ground floor boatshed into purpose – built boatshed, converting existing roof level into a purpose – build club deck and add new public level accessible via ramp to Memorial Park, public deck, judges box, rowers room and coffee cart area (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application, subject to conditions, for the reasons outlined in the Council assessment report and supported by the independent peer review.

The Panel agrees with the assessment that:

- The development complies with the Clarence Valley LEP 2011 and the relevant development control plan 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

In particular, the panel agrees that:

- the proposal is consistent with the context of the site and existing use and provides renewed facilities and services to meet the needs of the community and visitors
- the proposal has adequately addressed heritage and view impacts from Memorial Park

- services, transport infrastructure and public open space are considered adequate; the Panel notes the findings of the Car Parking Audit and Strategy - Grafton CBD (March 2021) that demonstrates adequate parking is available in the vicinity
- the proposal will increase the available public space and provide an updated design with outdoor areas and views to the Clarence River

The Panel is satisfied the proposal is in the public interest as:

- it will provide an improved community facility with positive social benefit for the community
- the site is suitably located and easily accessible, and
- safety of the public can be ensured by implementing CPTED design elements

The Panel is satisfied that the impacts associated with the construction and operation can be mitigated or managed by the imposition of conditions as recommended by Council and as amended by the Panel.

CONDITIONS

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

- Insert new Condition 4 which reads as follows and renumber the remaining conditions accordingly:
4. All building work must be carried out in accordance with the requirements of the National Construction Code.
- Insert new Condition 6 which reads as follows and renumber the remaining conditions accordingly:
6. A certificate from a structural engineer shall be submitted to Council prior to issue of the Construction Certificate to verify the proposed development and any excavation works will not adversely affect the integrity of the levee.
- Delete former Condition 17 and insert new Condition 16, which reads as follows and renumber the remaining conditions accordingly:
16. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to be approved by Council prior to issue of the Construction Certificate. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community. As a minimum, the CMP must address the following areas:

Health and Safety

- Public safety, amenity and site security;
- Traffic Control and Management;
- Pedestrian management;
- Construction hours;
- Noise control (All reasonable and feasible mitigation measures must be applied to reduce the potential noise and air quality impacts to sensitive receivers as a result of the construction of the proposal);
- Contractor vehicle parking;
- Locating existing utilities and services
- Health and Safety requirements.

Environment

- Air quality management;
- Erosion and sediment control- base information, monitoring and management;
- Waste management;
- Material stockpiling;

- e Vegetation management;
- f No go zones;
- g Soil Contamination - an Unexpected Find Procedure/s in the unlikely event that Asbestos Containing Material or Contamination is discovered, disturbed or occurs during the works;
- h Heritage management including an Unexpected Find Procedure/s in the unlikely event that any items of Aboriginal or non-Aboriginal Heritage is discovered, disturbed or occurs during the works;

Quality

- a Submission of current insurance certificates;
- b Work method description;
- c Construction equipment to be used;
- d Inspection and testing requirements;
- e Earthworks methodologies;
- f Haulage routes;
- g Retaining structure construction methodologies;
- h Concrete jointing methodologies;
- i Subsoil drainage installation methodologies;
- j Stormwater drainage infrastructure installation methodologies;
- k Stormwater Quality Improvement Device installation methodologies
- l Road construction methodologies;
- m Access ways and footway construction methodologies;
- n Utility and services installation methodologies;
- o Construction and installation methodologies of other structures not otherwise covered above.

Construction Traffic

A stand-alone Traffic Management Plan, which addresses the constriction phase and post completion,

Demolition and Construction flood action plan

A flood action plan while works are being undertaken that identifies triggers to evacuate machinery and construction items from the lowest levels of the site prior to being inundated by floodwater.

All works on site shall be undertaken in accordance with the approved CMP. The Unexpected Finds Procedure/s must be implemented during ground disturbance and earthworks activities. All site personnel must be tool boxed on the Unexpected Finds Procedure/s.

Associated Traffic Control Plans be prepared by a person authorised by Transport for NSW to prepare Traffic Control Plans.

The approval of Council under the *Roads Act 1993* is required for construction works within and occupation of the road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.

- Insert new Condition 31 (under the During Works section), which reads as follows and renumber the remaining conditions accordingly:
 - 31. Demolition or construction works are not to impact physically (machinery, noise, dust, etc) with Memorial Park and in particular during key events and services such as ANZAC day, Long Tan day or Armistice day or other public events.
During dry weather, standard dust suppressions methods are to be used as often as it necessary to ensure that adjoining areas are not adversely affected by undue dust.

- Delete former Condition 43
- Insert new Condition 48, which reads as follows:
48. Any events for the Rowing Club facility are to cease by 11.30pm any day of the week unless other prior approval has been granted by the Crown Land Manager/Lessee for Reserve 85477. The use of the facility is to be in accordance with any lease issued for the facility at all times.
- Insert new Condition 50, which reads as follows:
50. Where the removal or relocation of any infrastructure in the Memorial Park Reserve (e.g. the relocation of a lighting pole) is required in connection with the Rowing Club Shed, a separate approval for such work is to be obtained by and at the expense of the Rowing Club.



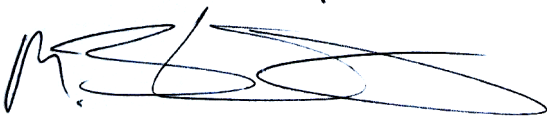
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one written submission made during public exhibition.

The Panel notes that issues of concern included:

- Heritage assessment (Statement of Heritage Impact)

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-220 – Clarence Valley – DA2023/0262
2	PROPOSED DEVELOPMENT	Redevelopment of the Grafton Rowing Club building, including demolition
3	STREET ADDRESS	Lot 7001 DP 1054597 being Reserve 85477 - 2A Prince Street Grafton
4	APPLICANT OWNER	Grafton Rowing Club Inc NSW Crown Land Clarence Valley Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ol 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 Draft environmental planning instruments: Nil Development control plans: <ol style="list-style-type: none"> Clarence Valley Council DCP - Development in Environmental Protection, Recreation and Special Use Zones Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 12 September 2023 Independent Consultant Planner Peer Review: 26 September 2023 Written submissions during public exhibition: one (1) Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 1 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair) and Stephen Gow <u>Council assessment staff</u>: Jessica Summerhayes, James Hamilton, Murray Lane, Maya Dougherty and Adam Cameron <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis Site inspection: 13 September 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright <u>Council assessment staff</u>: Patrick Ridgway, Adam Cameron, James Hamilton and Deborah Wray <u>Applicant representatives</u>: Robert Heathcote, Katrina Heathcote, Michael Collins, Peter Mears and Daniel Ramsden Applicant Briefing: 27 September 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Applicant representatives</u>: Jesse Mowbray, Christopher Roehrig, Jessica Freeman, Katrina Heathcote, Daniel Ramsden, Ben Creighton ○ <u>Council assessment staff</u>: Patrick Ridgway and Adam Cameron ○ <u>Independent Consultant Planner</u>: Mike Svikis ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 27 September 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Applicant representatives</u>: Jesse Mowbray, Christopher Roehrig, Jessica Freeman, Katrina Heathcote, Daniel Ramsden, Ben Creighton ○ <u>Council assessment staff</u>: Patrick Ridgway and Adam Cameron ○ <u>Independent Consultant Planner</u>: Mike Svikis ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report