

Definitions

Applicant means A Fletcher & Associates or any party acting upon this consent.

NRDC the current civil engineering standards in accordance with the relevant parts of the following guidelines

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Sewerage Code of Australia (WSA 02 - 2002)
- f Water Supply Code of Australia (WSA 03 - 2002)
- h Clarence Valley Council 'MUSIC' Guidelines (Draft)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage.

WSA documents are subject to copyright and may be obtained from the 'Water Services Association of Australia'.

For 'MUSIC' guidelines and policy documents contact Council's development engineer.

TCP means Traffic Control Plan in accordance with the **TfNSW** 'Traffic Control at Worksites' Technical Manual.

NorBE means the control and mitigation of developed stormwater quality and flow-rate quantity to achieve a neutral or beneficial outcome for post-development conditions when compared to pre-development conditions, in accordance with **NRDC**.

Advice to Applicant

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

1. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a construction certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act, 1986. Value of works must be included on Construction Certificate or Subdivision/Public Works Certificate Application form.
2. If the premises requires or requests a larger water meter then the appropriate fee in Council's Fees and Charges will be applicable, less any capital contributions paid to date.
3. This development is subject to high consumption non-residential charges for water and sewer in lieu of Section 64 Headworks Contributions. Current 2022/23 rates are as follows:

Area	2022/23 Consumption	High Consumption Charge
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	Charge (\$/kL)	(\$/kL)
Water – All areas	\$ 2.65	\$ 3.55 ¹
Sewer – Maclean, Townsend, Ilarwill, Lawrence, Iluka & Yamba	\$ 3.69	\$ 7.32 ²

¹ Applies to that component of water consumption above 1.233kL/day

² Applies to that component of sewage generation above 0.74kL/day

4. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.

Conditions of Consent

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Plan	Drawn by	Plan Date	Sheet No	Revision
SITE IDENTIFICATION PLAN	James Cubitt Architects	18/03/2022	SK002	DA1
PRECINCT SURVEY	James Cubitt Architects	18/03/2022	SK003	DA1
SITE DEMOLITION	James Cubitt Architects	18/03/2022	SK004	DA1
SITE PLAN	James Cubitt Architects	14/07/2022	SK011	DA2
CAR PARK CONCEPT	James Cubitt Architects	18/03/2022	SK012	DA1
EXTERNAL WORKS PLAN - WEST	James Cubitt Architects	18/03/2022	SK030	DA1
EXTERNAL WORKS PLAN - EAST	James Cubitt Architects	18/03/2022	SK031	DA1
SETBACKS - DETAILS	James Cubitt Architects	18/03/2022	SK032	DA1
FLOOR PLAN	James Cubitt Architects	18/03/2022	SK052	DA1
ROOF PLAN	James Cubitt Architects	18/03/2022	SK120	DA1
ELEVATIONS	James Cubitt Architects	18/03/2022	SK200	DA1

ELEVATIONS	James Cubitt Architects	18/03/2022	SK201	DA1
ELEVATIONS	James Cubitt Architects	18/03/2022	SK202	DA1
ELEVATIONS	James Cubitt Architects	18/03/2022	SK203	DA1
ELEVATIONS	James Cubitt Architects	18/03/2022	SK204	DA1
SECTIONS	James Cubitt Architects	18/03/2022	SK250	DA1

2. All landscaping must be completed in accordance with the Landscape Concept Report dated 18 March 2022 prepared by CUSP.
3. No construction is to be commenced until a Construction Certificate has been issued.
4. The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to this building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Section J in the following areas:
 - a Building fabric
 - b External glazing
 - c Building sealing
 - d Air movement
 - e Air conditioning and ventilation
 - f Artificial lighting and power
 - g Hot water supply
 - h Access for maintenance
5. Prior to the issue of Construction Certificate, details of the accessible amenities doors are to be provided. Push button to slide automated doors are required to all PWD (persons with disability) amenities.

The purpose of this condition is to provide an improved outcome for persons with disability for the subject Community Facility.
6. Prior to the Construction Certificate being issued plans drawn to a scale of 1:50 detailing all food and drink related areas shall be provided to and approved by the principal certifying authority. Plans are to include:
 - Floor plan and elevations;
 - Layout of kitchen, bar and all equipment;
 - All internal finish details including floors, wall, ceiling and lighting;
 - Hydraulic design and /or method of disposal of trade waste; and
 - Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.
7. Prior to issue of a Construction Certificate approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work,

water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office. Hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and any fire services shall with the application for approval.

8. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.
9. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifier for the work.

Any such sign is to be removed when the work has been completed.

10. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
11. Demolition work is to be carried out in accordance with AS 2601.
12. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

The builder is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

13. **Site Safety Management** Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

14. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
- a Preserve and protect the building from damage; and
 - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

15. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.
- a Work Health and Safety Act 2011 and associated regulations
 - b SafeWork NSW Code of Practice - How to Safely remove Asbestos.
 - c Australian Standard 2601 (2001) - Demolition of Structures
 - d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

A copy of Council's Asbestos Policy is available on Council's web site at www.clarence.nsw.gov.au or a copy can be obtained from Council's Customer Service Centres.

16. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
17. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an occupation certificate is issued.
18. A detailed Erosion and Sediment Control Management Plan for each stage of the development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a for the relevant stage. This shall be compatible with the Stormwater Management Plan and must include

procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier. This shall include **WSUD** components of the proposed drainage system.

19. During the course of the construction and fit-out of the kitchen/food premises periodic inspections may be arranged with Councils Environmental Health Officer to ensure compliance with the approved kitchen/food premise fit-out plans, all health-related conditions of approval and respective legislation.
20. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development
21. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. 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

- a Public safety, amenity and site security;
- b Traffic Control and Management;
- c Pedestrian management;
- d Construction hours;
- e 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);
- f Contractor vehicle parking;
- g Locating existing utilities and services
- h Health and Safety requirements.

Environment

- a Air quality management;
- b Erosion and sediment control- base information, monitoring and management;
- c Waste management;
- d 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 Landscaping installation methodologies;
- o Utility and services installation methodologies
- p Construction and installation methodologies of other structures not otherwise covered above.

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 **TCPs** must be prepared by a person authorised by **TfNSW** to prepare **TCPs**.

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.

- 22. Special footing / sewer main protection works, in accordance with Clarence Valley Council's Policy for building in close proximity to sewers, will be required for buildings or any other works over or within the zone of influence of sewer mains. It is recommended that, prior to commencement of design, the matter be discussed with Council's Water Cycle Section.
- 23. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**. A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) shall be generally in accordance with the SWMP provided with the Development Application.

A Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

The Stormwater Management Plan must include a management plan for any **WSUD** systems. The management plan must consider construction and operational phases.

All inter-allotment and Council owned stormwater drainage systems must be

located within drainage easements. Any stormwater conduit with an area of influence (measured by projecting a 45° angle from the invert of the conduit to finished surface level) extending outside of the easement, shall be covered by a 'restriction-as-to-user' requiring any structure within this area to be supported by piers to the conduit invert level. Engineer's design and certification must be provided. All costs shall be borne by the developer.

On-site detention (OSD) and water quality control systems need not be provided until a building is occupied on the lot, but the Development Application must demonstrate **NorBe** by calculation and details acceptable to Council.

24. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of forty-six (46) car parking spaces, including two (2) accessible car parking spaces, in accordance with the DA approved plan and made available thereafter. **Two car parking spaces shall be set aside for electric vehicle recharging and equipped with the relevant charging equipment.** The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
25. Prior to the issue of the Building or Civil Construction Certificates, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.
26. Accessible grades and paths of travel are to be provided from carparking bays through to the main entrance of the building in accordance with AS1428.1 and the Building Code of Australia.
27. During dry weather, standard dust suppressions methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.
28. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
29. The refuse area shall drain to the grease arrestor if possible. The floor waste

must contain a basket arrestor. The area shall be roofed and bunded to prevent ingress of stormwater to the sewerage system.

30. Submission of a Fire Safety Certificate to the Principal Certifying Authority prior to the issue of an Occupation Certificate. A copy of the Fire Safety Certificate shall be provided to the Commissioner of the NSW Fire Brigades by the owner of the building and to Council where the Council is not the Principal Certifying Authority. The Fire Safety Certificate is also to be prominently displayed in the building.
31. Prior to issue of Occupation Certificate, the acoustic boundary fencing must be installed, in accordance with approved plan: Site Plan Rev DA2 dated 14 July 2022.
32. The design and construction of the kitchen shall comply with the Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment.
33. Any premises used for the storage, preparation or sale of food shall meet the requirements of the Food Act 2003 and FSANZ Food Safety Standards.
34. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate
35. 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.
36. All sinks and floor wastes in the community kitchen shall contain basket arrestors. The cleaners sink shall contain a basket arrestor.
37. All liquid trade waste from the community kitchen shall discharge through a 1000L grease arrestor. 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.
38. Prior to issue of Occupation Certificate, all landscaping must be completed in accordance with the Landscape Concept Report dated 18 March 2022 prepared by CUSP.
39. Prior to issuing the Occupation Certificate and on completion of fit out, an inspection is to be arranged with Council's Environmental Health Officer for final approval.
40. Waste Management must be consistent with the Waste Management Plan dated 13 July 2022, prepared by James Cubitt Architects.
41. Kerbside collection must be located in accordance with drawing 'Site Plan' per the Waste Management Plan, dated 13 July 2022, prepared by James Cubitt Architects. Bins are to be located within the landscape verge and are not to interfere with vehicle or pedestrian movements.

42. Must provide 1 organics 240L bin within the development.
43. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
44. **Plan of Management** Prior to the issue of an Occupation Certificate, the preparation and adoption by Council of a new Plan of Management for the use and management of land is required, as per the requirements of Chapter 6 Part 2 of the *Local Government Act 1993*.
45. ~~The use of the premises shall not generate offensive or intrusive noise in accordance with the *Protection of the Environment Operations Act 1997*.~~
46. Noise associated with the operation of any plant, machinery or other equipment on the premise, shall not exceed 5dB(A) above the background noise level when measured at the boundary of any sensitive receiver.
47. Should a complaint be received by Council and the noise determined to be "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*, the applicant shall engage a suitably qualified acoustic consultant who is accredited by The Association of Australasian Acoustic Consultants or Australian Acoustical Society at their expense to prepare a Noise Impact Assessment (NIA) and recommend reasonable and feasible methods of attenuation to be undertaken if deemed necessary. The operator/owner is to implement the recommendations of the NIA within a timeframe specified by Council's authorised officer.
48. 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. **Fence top screens are to be installed adjacent to the windows of the two dwellings that abut the eastern boundary of the proposed car park to reduce nuisance light impacts pending landscape maturity along this boundary.**
49. Exterior lighting is to be located and installed in accordance with the Light Compliance Report, dated 18 March 2022, prepared by International Lighting.
50. Prior to issue of Occupation Certificate the following is required;
 - The northern vehicle entry via Treelands Drive must be installed with appropriate signage indicating entry only
 - Appropriate signage indicating a 10km per hour speed must be installed for the 'share zone' per the approved plans
51. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1-2009.
52. In a building required to be accessible, braille and tactile signage complying with Specification D3.6 of the Building Code of Australia and incorporating the

international symbol of access or deafness, as appropriate, in accordance with AS 1428.1-2009 must identify each sanitary facility; space with a hearing augmentation system and door with a required 'exit' sign.

53. Prior to release of the Occupation Certificate, the development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to issue of the Construction Certificate.
54. **Hours of Operation**
The hours of operation shall be limited to between:
8.00am to 10.00pm Monday to Sunday.
55. All recommendations contained in the acoustic report prepared by "ADP Consulting Engineering", 28 March 2022, must be implemented and maintained during the construction phase, operation and life of the development.

Particular **operational requirements** per the report, but not limited to, are required as follows;

- Line dancing (or similar activities) must take place internally with the meeting room doors closed
- Regular events taking place past 6pm must not play amplified music outdoors or with the doors open
- Large group activities (30 or more people) must move indoors after 6pm
- A maximum of 40 people will occupy the outdoor garden during the day
- No amplified music and a maximum of 25 people are to occupy the outdoor garden during evening hours.

Reasons

1. To ensure that the development complies with the *Clarence Valley Local Environmental Plan 2011* and relevant Development Control Plan that is applicable to the proposed development.
2. To ensure that the surrounding environment is not detrimentally affected as a result of the development.
3. To comply with legislative requirements.
4. To ensure works are completed to an appropriate standard and documented.
5. To satisfy the requirements of the *Environmental Planning and Assessment Act 1979*.
6. To ensure that the requirements of the Building Code of Australia are satisfied.

7. To conserve Aboriginal cultural heritage.
8. To ensure that the development is adequately landscaped and maintained, and in accordance with the approved plans.

Right of Appeal and Validity of Consent

Section 8.2 of the Act provides that you may request a review of your determination by Council. The review must be requested within 6 months of the date of this notice and must be accompanied by the prescribed fee.

Section 8.7 of the Act provides that you have a right of appeal to the Land and Environment Court against Council's decision in the matter, exercisable within 6 months after receipt of this notice.

Consent becomes effective from the consent validation date. Section 4.53 of the Act provides for the period of validity of consent, and it is the applicant's responsibility to ensure that commencement of the development is carried out within the prescribed period. The consent period for this application will be five (5) years.

If you require further information in regard to this notice of determination please contact Jessica Summerhayes of Council's Environment, Development and Strategic Planning Services section on 02 6643 0240.

Yours faithfully

Jessica Summerhayes
Development Planner