

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	22 March 2023
DATE OF PANEL DECISION	21 March 2023
DATE OF PANEL MEETING	14 March 2023
PANEL MEMBERS	Dianne Leeson (Chair), Michael Wright and Stephen Gow
APOLOGIES	None
DECLARATIONS OF INTEREST	Greg Clancy declared a conflict of duties as he voted in Council on motions related to this development. Ian Tiley has a conflict of duties as he voted in Council on motions related to this development. Peter Johnstone has a conflict of duties as he voted in Council on motions related to this development.

Public meeting held by videoconference on 14 March 2023, opened at 2pm and closed at 2:40pm.

MATTER DETERMINED

PPSNTH-174 – Clarence Valley Council – DA2022/0237 at 24 Treelands Drive, Yamba – new community facility (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

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 for the reasons outlined below and in the Council Assessment Report.

The proposal is permissible with consent in the SP2 Infrastructure zone (Community Facilities). The Panel agrees that although a library and gallery is separately defined (Information and Educational Facility) it is a use that is ordinarily incidental or ancillary to the proposed Community Facility and thereby permissible.

The proposal is consistent with the relevant development controls.

The proposed use is consistent with the Plan of Management (2018) and the 2018 Masterplan adopted by Council. The site is currently used for a community facility and is suitable for the proposed development.

Other community facilities are in close proximity leveraging the efficient use of car parking infrastructure.

Easements are in place to provide access between the site and the car park.

Potential noise and light intrusion impacts on adjoining residential properties have been assessed and adequately resolved through design amendments and imposed conditions addressing issues such as hours of operation, landscape treatment, fencing, and lighting design. Security concerns have been addressed through adoption of CPTED principles in design.

The proposed single storey building is in keeping with the scale of neighbouring development.

Adequate services are available to the site and stormwater runoff from the site can be adequately managed.

The site is above the 1 in 100 year flood level and no alterations to the land are proposed that will result in adverse or cumulative impacts on flood behaviour or surrounding areas.

The proposal will have positive social benefits by providing modern and accessible community meeting facilities, expanded library space, community kitchen and gallery space.

The Panel has carefully considered all relevant issues raised in submissions and believes they have been resolved by design of the proposal, management or operational measures to be adopted by the proponent and/or conditions imposed by this approval.

The Panel notes the Assessment Report prepared by Council officers was completed following an independent peer review. The peer review concluded the assessment report and recommended conditions were relevant and reasonable subject to some minor amendments of conditions.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the Panel amending the following conditions as detailed in Schedule 2:

- Insert into the Definitions section '**Infrequent event** means an event authorised by Council to run until 11:00pm on weekdays and Saturdays.'
- Amend the 'Advice to Applicant' to remove the words 'Council in determining the subject application requires you' and insert 'The Applicant is requested'
- Amend Condition 1 to insert all supporting documents and notation in relation to any inconsistency between conditions and drawings/documents referred to in this condition
- Amend Condition 6 (previously Condition 19) to remove the words 'for each stage of the development' and 'issue of a for the relevant stage' in the first sentence and inserting 'Construction Certificate' at the end of the sentence, after the words 'prior to'.
- Amend Condition 12 (previously Condition 6) to add the words "be included" in the last sentence.
- Amend Condition 14 (previously Condition 8) to delete the words 'as PWD (persons with disability)'
- Amend Condition 25 (previously Condition 22) by inserting the sentence at the end of the condition "Vehicle access shall be maintained to the TAFE and the ambulance station and medical centre throughout demolition and construction or unless otherwise agreed to."
- Amend Condition 32 (previously Condition 25) by inserting the following words (and end the sentence) after the word 'spaces' in the first sentence - Suitable power supply shall be provided to a minimum of two (2) car parking spaces to enable future dedicated Electric Vehicle (EV) parking and recharging. These works shall be'
- Delete previous Condition 40
- Amend Condition 40 (previously Condition 30) by inserting at the of the condition the words "and the Acoustic Report prepared by "ADP Consulting Engineering" dated 28 March 2022"
- Amend Condition 42 (previously Condition 29) by deleting the words ' Submission of a Fire Safety Certificate' and inserting 'A Fire Safety Certificate is to be submitted'
- Amend Condition 45 (previously Condition 54) by inserting a comma and the following words at the end of the condition 'in particular conditions 50 and 51 below. The Plan must be modified to refer to and take account of relevant requirements of this consent.
- Amend Condition 50 (previously Condition 53) by deleting the words in the first dot point - '(no amplified music or noise to occur after 7.30pm) and amending the second paragraph to read as follows – 'Council may consider allowing the Centre to open until 11.00pm on weekdays and Saturdays for infrequent events (no more than six per calendar year), subject to neighbour notification. See also condition 51.
- Amend Condition 51 (previously Condition 55) by deleting the second paragraph and dot points and inserting the following –
'Particular **operational requirements** of the report include but are not limited to:
Potentially noise-generating activities which may impact on neighbourhood amenity, such as events with amplified sound, clapping or communal singing must take place internally with the doors closed.
Centre management to contact potentially affected neighbours a minimum of 7 days prior to any 'infrequent' late evening events (on up to six occasions per calendar year as per

Condition 50), to inform them of the nature of the activities that will take place. As a minimum, contact is to be via letterbox drops and/or signs.

- Insert new Condition 54 – requiring an independent review of noise related operational matters following 12 months of operations

The following conditions were renumbered:

- Condition 2 was condition 21
- Condition 3 was Condition 23
- Condition 4 was Condition 24
- Condition 5 was Condition 2
- Condition 6 was Condition 19
- Conditions 7-9 were Conditions 3-5
- Condition 10 - 11 were Condition 48 and 49
- Conditions 12 – 15 were Conditions 6 to 9
- Condition 16 was Condition 28
- Condition 17 was Condition 31
- Condition 18 was Condition 35
- Condition 19 was Condition 36
- Condition 20 was Condition 34
- Conditions 21 - 23 were Conditions 10 - 12
- Condition 24 was Condition 16
- Condition 25 was Condition 22
- Condition 26 was Condition 18
- Condition 27 was Condition 14
- Condition 28 was Condition 13
- Condition 29 was Condition 15
- Condition 30 was Condition 17
- Condition 31 was Condition 20
- Condition 32 was Condition 25
- Condition 33 was Condition 26
- Conditions 34 and 35 were Conditions 45 and 46
- Condition 36 was Condition 41
- Condition 39 was Condition 27
- Condition 40 was Condition 30
- Condition 41 was Condition 33
- Condition 42 was Condition 29
- Condition 43 was Condition 47
- Condition 44 was Condition 52
- Condition 45 was Condition 54
- Condition 46 was Condition 39
- Condition 47 was Condition 50
- Condition 48 was Condition 51
- Condition 49 was Condition 32
- Condition 50 was Condition 53
- Condition 51 was Condition 55
- Condition 52 was Condition 43
- Condition 53 was Condition 42
- Condition 55 was Condition 43

CONSIDERATION OF COMMUNITY VIEWS

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

- amenity for neighbouring residential development (visual and noise privacy)

- project funding
- stormwater management and flooding

The Panel considers that concerns raised by the community relevant to the Panel's assessment and determination, have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-174 – Clarence Valley Council – DA2022/0237
2	PROPOSED DEVELOPMENT	Demolition of existing community centre, construction of new Community Facility, car parking and associated landscaping
3	STREET ADDRESS	24 Treelands Drive, Yamba
4	APPLICANT OWNER	A. Fletcher & Associates Pty Ltd Clarence Valley Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Clarence Valley Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Clarence Valley Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	- Council Assessment Report: 28 February 2023 (the Panel notes Council's assessment and draft conditions were completed after consideration of the Peer Review report) - Peer review of Council Assessment Report: 24 February 2023 - Written submissions during public exhibition: 22 - Verbal submissions at the public meeting: - Lynne Cairns on behalf of the community group, Yamba Community Action Network, Robert Cairns, Les Reeves and Ian Warlters - Council assessment officers – Jessica Summerhayes and Murray Lane - On behalf of the applicant – Daniel Ramsden - Total number of unique submissions received by way of objection: 20
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 22 February 2023 <u>Panel members</u>: Dianne Leeson, Stephen Gow, Michael Wright and Ian Tiley

		8. <u>Council assessment staff</u> : Adam Cameron, Jessica Summerhayes, James Hamilton, Murray Lane 9. Final briefing to discuss Council's recommendation: [date] 10. <u>Panel members</u> : Dianne Leeson (Chair), Michael Wright and Stephen Gow 11. <u>Council assessment staff</u> : Jessica Summerhayes, Patrick Ridgway, Murray Lane and Adam Cameron 12. <u>Independent Planner - peer review</u> : Mike Svikis 13. <u>Department staff</u> : Carolyn Hunt, Louisa Agyare and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

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.

Infrequent event means an event authorised by Council to run until 11:00pm on weekdays and Saturdays.

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

The Applicant is requested 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 \$250,000 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 form.

Conditions of Consent

GENERAL

1. **Approved Plans and Supporting Documentation**
The development is to be completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and in accordance with the following plan(s), except where amended by conditions of this consent.

Plan	Drawn by	Plan Date	Sheet No	Revision
SITE IDENTIFICATION	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	15/07/2022	SK052	DA3
ROOF PLAN	James Cubitt Architects	18/03/2022	SK120	DA1
ELEVATIONS	James Cubitt Architects	15/07/2022	SK200	DA3
ELEVATIONS	James Cubitt Architects	18/03/2022	SK201	DA1
ELEVATIONS	James Cubitt Architects	15/07/2022	SK202	DA3

	Architects			
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
The development must be implemented generally in accordance with the documentation listed below which have been endorsed by Council, except where amended by conditions of this consent				
Report Title	Prepared by	Date	Reference	Revision
Statement of Environmental Effects	A.Fletcher & Associates	28 March 2022	9705	-
Civil Engineering Plans & Water Management Plan	Northrop	23 March 2022	NL213021	Rev1
Operational Plan	Clarence Valley Council	23 March 2022	-	V1
Traffic Report	PTT Traffic & Transport Engineering	17 March 2022	22-204	RevA
Acoustic Report	ADP Consulting Engineering	28 March 2022	SYD1982	02
Geotechnical Report	Douglas Partners	March 2022	209696.00	Rev1
Design Report	James Cubitt Architects	25 March 2022	21363	DA1
Concept Landscape Report	CUSP	18 March 2022	-	RevC
Exterior Light Compliance Report	International Lighting	18 March 2022	-	V3
Concept Access Report & Access Design Compliance Statement	CERTIS Access Consultancy	21 June 2022	-	-
BCA Statement of Compliance	CERTIS	23 Jun 2022	-	-
Waste Management Plan report	James Cubitt Architects	13 July 22	21363	RevB
Cost Estimate Report	Del Consultants Quantity Surveyors	March 2022	-	-
In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.				

2. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
3. 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.
4. 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.

PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

5. No construction is to be commenced until a Construction Certificate has been issued.
6. A detailed Erosion and Sediment Control Management Plan must be submitted for

assessment and approval by Council or accredited private certifier, prior to Construction Certificate. 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.

7. 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

8. 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.

9. 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:

- 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.

10. 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.

11. 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.

12. 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 be included with the application for approval.
13. Prior to the issue of the Building 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.
14. Accessible grades and paths of travel are to be provided from carparking bays nominated through to the main entrance of the building in accordance with AS1428.1 and the Building Code of Australia.
15. 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.
16. The refuse area shall drain to the grease arrestor where 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.
17. 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.
18. All sinks and floor wastes in the community kitchen shall contain basket arrestors. The cleaner's sink shall contain a basket arrestor.
19. 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.
20. 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.

PRIOR TO WORKS COMMENCING

21. 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.

22. 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.

23. 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.

24. **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).

25. 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.

Vehicle access shall be maintained to the TAFE and the ambulance station and medical centre throughout demolition and construction unless otherwise formally agreed to.

26. 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. All erosion and sediment control measures are to be installed prior to the commencement of any work. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued.

DURING WORKS

27. **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.

28. Demolition work is to be carried out in accordance with AS 2601.

29. **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.

30. 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 Safety 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.

31. During the construction and fit-out of the kitchen/food premises periodic inspections may be arranged with Council's Environmental Health Officer to ensure compliance with the approved kitchen/food premise fit-out plans, all health-related conditions of approval and respective legislation.
32. 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. Suitable power supply shall be provided to a minimum of two (2) car parking spaces to enable future dedicated Electric Vehicle (EV) parking and recharging. These works shall be in accordance with the approved plan and made available prior to the issue of the Occupation Certificate.

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.

33. 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.
34. 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 following is required:
- a. 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.
 - b. Fence top screening is to be installed adjacent to the windows of the two dwellings adjacent the eastern boundary of the proposed car

park (Lots 6 and 7 on SP79751) to reduce nuisance light impacts. Once the landscaping, per the Landscape Concept Report, adjacent to this boundary reaches the mature height or minimum of 2.5m, the screening can be removed.

35. Exterior lighting is to be located and installed in accordance with the Light Compliance Report, dated 18 March 2022, prepared by International Lighting.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

36. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
37. Prior to issue of an Occupation Certificate, all landscaping must be completed in accordance with the Landscape Concept Report dated 18 March 2022 prepared by CUSP.
38. 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.
39. 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.
40. Prior to issue of Occupation Certificate, the acoustic boundary fencing must be installed, in accordance with approved plan 'Site Plan' RevDA2 dated 14 July 2022 and the Acoustic Report prepared by "ADP Consulting Engineering" dated 28 March 2022.
41. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.
42. A Fire Safety Certificate is to be submitted 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.
43. Prior to issue of an Occupation Certificate the following is required:
- a. The northern vehicle entry via Treelands Drive must be installed with appropriate signage indicating entry only

- b. Appropriate signage indicating a 10km per hour speed must be installed for the 'share zone' per the approved plans

44. 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.

OPERATIONAL CONDITIONS

45. The development must operate in accordance with the approved Operational Plan, prepared by Clarence Valley Council, dated 25 March 2022, or as modified by any conditions of this consent, in particular conditions 50 and 51 below. The Plan must be modified to refer to and take account of relevant requirements of this consent.

46. Waste Management must be consistent with the Waste Management Plan dated 13 July 2022, prepared by James Cubitt Architects.

47. 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 for kerbside collection on Treelands Drive are not to interfere with vehicle or pedestrian movements.

48. The development must be provided with one (1) organics 240L bin.

49. 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.

50. **Hours of Operation**

The hours of operation shall be limited to between:

- 8.00am to 10.00pm Monday to Saturday
- 8.00am to 7.30pm Sunday and Public Holidays

Council may consider allowing the Centre to open until 11.00pm on weekdays and Saturdays for infrequent events (no more than six per calendar year), subject to neighbour notification. See also condition 51.

51. All recommendations contained in the acoustic report prepared by "ADP Consulting Engineering", dated 28 March 2022, must be implemented and maintained during the construction phase, operation and life of the development.

Particular **operational requirements** of the report include but are not limited to:

- Potentially noise-generating activities which may impact on neighbourhood amenity, such as events with amplified sound, clapping or communal singing must take place internally with the doors closed.
- Centre management to contact potentially affected neighbours a minimum

of 7 days prior to any 'infrequent' late evening events (on up to six occasions per calendar year as per Condition 50), to inform them of the nature of the activities that will take place. As a minimum, contact is to be via letterbox drops and/or signs.

52. 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.
53. The use of the premises shall not generate offensive or intrusive noise in accordance with the *Protection of the Environment Operations Act 1997*.
54. An independent review of operations of the community facility is to be undertaken upon the completion of 12 months of operation by a qualified planner in consultation with a suitably qualified acoustic consultant who is accredited by The Association of Australasian Acoustic Consultants or Australian Acoustical Society. The review is to consider:
 - The centre's hours of operation since commencement, in relation to the spread of hours approved
 - usage of the centre by different activities that use sound amplification (eg music, dancing, meetings, church services etc),
 - analysis of any noise complaints received by the Centre Management or Council considering time of day/evening and the type of use of the centre at those times,
 - further local community consultation in relation to noise associated with operation of the centre, and
 - such other matters as recommended by the qualified acoustic engineerThe outcomes of the review shall be used to inform a revised operational plan for the centre which, once adopted, will replace the noise related conditions of this consent, particularly 51 and 53. Where any inconsistency arises between Council's intended adopted operation plan and the recommendations of the independent review the matter will be referred to the Panel for resolution.
55. 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.