

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

Panel Reference	PPSNTH-217
DA Number	DA2023/0300
LGA	Clarence Valley Council
Proposed Development	Demolition of existing buildings and landscaped area and the construction of a new Community Centre including an auditorium with 297 seats, a function room, meeting rooms, a kitchen, basement car parking, signage and a public open space area. The use for a Community Centre is proposed to replace the existing Civic Hall and will function as a performance space with community function and meeting rooms.
Street Address	48 River Street, Maclean
Applicant/Owner	Ben Creighton, Think Planners/ Clarence Valley Council
Date of DA lodgement	18 May 2023
Total number of Submissions	• 8
Number of Unique Objections	• 3
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Clause 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : (b) the council is the owner of any land on which the development is to be carried out [Council related development over \$5 million]
List of all relevant s4.15(1)(a) matters	<p>i.e. any:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Clarence Valley Local Environmental Plan 2011</li> <li>• Clarence Valley Council Development Control Plan – Development in Business Zones 2011.</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Attachment A: Draft Conditions of consent</li> <li>• Attachment AA: Response to Comments on Draft Conditions</li> <li>• Attachment B: Tables of Compliance</li> <li>• Attachment C: Architectural Plans (Revision C 04/08/2023)</li> <li>• Attachment D: Clause 4.6 Variation Request – Building Height (02/05/23)</li> <li>• Attachment E: Shadow Diagrams (23/08/23)</li> <li>• Attachment F: Elevations and Height Blanket (23/08/23)</li> <li>• Attachment G: Photomontage</li> <li>• Attachment H: Statement of Environmental Effects (02/05/23)</li> <li>• Attachment I: Acoustic Assessment (27/04/23)</li> <li>• Attachment J: Traffic Impact Investigation (04/08/23)</li> <li>• Attachment K: Statement of Heritage Impact (28/04/23)</li> <li>• Attachment L: Draft Wayfinding Strategy &amp; Concepts (13/04/23)</li> <li>• Attachment M: Landscape Plan</li> <li>• Attachment N: Stormwater Drainage Plans (30/06/23)</li> <li>• Attachment O: Stormwater Management Plan (Version 01 02/08/23)</li> <li>• Attachment P: Flood Assessment (17/02/23)</li> <li>• Attachment Q: Accessibility Report (24/04/23)</li> <li>• Attachment R: Preliminary Site Investigation (19/05/22)</li> <li>• Attachment S: AHIMS Search Result (20/04/23)</li> <li>• Attachment T: Survey Plan (07/11/22)</li> </ul>

	<ul style="list-style-type: none"> <li>• Attachment U: Waste Management Plan</li> <li>• Attachment V: BCA Report (20/04/23)</li> <li>• Attachment W: Conflict of Interest Statement (Submitted 04/08/23)</li> <li>• Attachment X: Independent Peer Review (25/08/23)</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• CVLEP Clause 4.3 Height of Buildings – Maximum height on the Height of Buildings Map is 9 m</li> <li>• The proposal is for a maximum height of 13.745 m</li> <li>• The subject site is within the E1 Local Centre zone and immediately adjacent R2 Low Density Residential zoned land.</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Noise impacts on residents – both during construction and during events</li> <li>• Impacts on neighbouring residents during construction – including “pollutants and dust exhaust fumes”</li> <li>• Potential damage on surrounding infrastructure due to construction</li> <li>• Design of building</li> <li>• Concerns about the cost of development</li> <li>• Privacy of immediate residents/ overlooking of private open space on MacNaughton Place</li> <li>• Speed of vehicles on MacNaughton Place</li> <li>• Issue with seating capacity</li> <li>• Issues with overlooking from existing Civic Centre and lights from Civic Centre car park</li> <li>• It is much needed for Maclean, with a request for 300 seats</li> <li>• Applaud initiative in “undertaking an exciting new community project to provide a modern performing arts centre for all to enjoy”</li> <li>• Design reflects historic character of the old Civic Hall</li> </ul>
<b>Report prepared by</b>	Maya Dougherty – Development Planner, Clarence Valley Council
<b>Report date</b>	12 September 2023

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Yes**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**No**

#### Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**Yes**

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-217 – DA2023/0300
<b>PROPOSAL</b>	Demolition of existing buildings and landscaped area and the construction of a new Community Centre including an auditorium with 297 seats, a function room, meeting rooms, a kitchen, basement car parking, signage and a public open space area. The use for a Community Centre is proposed to replace the existing Civic Hall and will function as a performance space with community function and meeting rooms.
<b>ADDRESS</b>	48 River Street, Maclean Lot 1 DP 667217 Lot 8 DP 758631 Lot 9 DP 758631 Lot 1 DP 821976  LOT 10 DP 813746
<b>APPLICANT</b>	Ben Creighton, Think Planners
<b>OWNER</b>	Clarence Valley Council
<b>DA LODGEMENT DATE</b>	18 May 2023
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : (b) the council is the owner of any land on which the development is to be carried out [Council related development over \$5 million]
<b>CIV</b>	\$12,455,238.20 (excluding GST) (derived from the cost inclusive of GST given as \$13,700,762)
<b>CLAUSE 4.6 REQUESTS</b>	CVLEP Clause 4.3 Height of Buildings – Maximum height on the Height of Buildings Map is 9 m The proposal is for a maximum height of 13.745 m  The subject site is within the E1 Local Centre zone and immediately adjacent R2 Low Density Residential zoned land.
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (Biodiversity and</i></li> </ul>

	<p><i>Conservation) 2021</i></p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Housing) 2021</i></li> <li>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Clarence Valley Local Environmental Plan 2011</i></li> </ul> <p><i>Clarence Valley Council Development Control Plan – Development in Business Zones 2011.</i></p>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	<p>8 Submissions received</p> <p>3 Objections:</p> <ul style="list-style-type: none"> <li>• Noise impacts on residents – both during construction and during events</li> <li>• Impacts on neighbouring residents during construction – including “pollutants and dust exhaust fumes”</li> <li>• Potential damage on surrounding infrastructure due to construction</li> <li>• Design of building</li> <li>• Concerns about the cost of development</li> <li>• Privacy of immediate residents/ overlooking of private open space on MacNaughton Place</li> <li>• Speed of vehicles on MacNaughton Place</li> <li>• Issue with seating capacity</li> </ul> <p>1 generally in support with concerns of loss of privacy due to the overlooking from the entrance to a River Street property south of the existing Council administration building and lights within the existing Council car parking area.</p> <p>4 in Support:</p> <ul style="list-style-type: none"> <li>• It is much needed for Maclean, with a request for 300 seats</li> <li>• Applaud initiative in “undertaking an exciting new community project to provide a modern performing arts centre for all to enjoy”</li> <li>• Design reflects historic character of the old Civic Hall</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<p>Attachment A: Draft Conditions of consent</p> <p>Attachment AA: Response to Comments on Draft Conditions</p> <p>Attachment B: Tables of Compliance</p> <p>Attachment C: Architectural Plans (Revision C 04/08/2023)</p> <p>Attachment D: Clause 4.6 Variation Request – Building Height (02/05/23)</p> <p>Attachment E: Shadow Diagrams (23/08/23)</p>

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<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	YES – 6 September 2023
<b>SCHEDULED MEETING DATE</b>	26 September 2023
<b>PLAN VERSION</b>	4 August 2023 Version No: C
<b>PREPARED BY</b>	Maya Dougherty – Development Planner, Clarence Valley Council
<b>DATE OF REPORT</b>	12 September 2023

## EXECUTIVE SUMMARY

- The proposal is for a Community Facility. The site is located in the E1 – Local Centre zone. The demolition and construction of a building for a Community Facility is permissible with consent in the E1 zone.
- The site is located within the Maclean Town Centre in the C6 (Maclean) Heritage Conservation Area. It is surrounded by a mixture of residential, commercial and justice system buildings, including a number of Heritage Items.

- Amended plans and additional information was provided during the assessment to address loading and unloading areas, trade waste requirements and amending the roof line from the original plans, along with clarifying some details of the proposal.
- Key issues are building height Clause 4.6 variation, heritage consideration, noise impacts on residents, and loading bays.
- A clause 4.6 variation request is included as the proposal is to be 13.745 m at the highest point within a 9 m maximum height of buildings area (under Clause 4.3 of the *Clarence Valley Local Environmental Plan 2011*). This is justified due to the fall of the land, the desire to provide a roof form that is in keeping with the Heritage Conservation Area and the need for basement car parking.
- Key concerns from community relate to amenity including noise concerns during construction and during the operation of the Community Centre, privacy/overlooking on MacNaughton Place and the design of the building.
- Issues relating to noise and construction concerns have been addressed through conditions limiting construction hours and operating hours as well as requiring windows and doors to be closed after particular times during use of the building.
- The proposal is consistent with the public interest.
- Recommended for approval as the development is consistent with the aims and objectives of the legislative requirements such as the *Clarence Valley Local Environmental Plan 2011* and the *Clarence Valley Development Control Plan – Business Zones*, as quality design is achieved that is sympathetic to the Heritage Conservation Area, the development is consistent with the strategic intent for the area, and the development results in public benefits for the community.

The development application (DA2023/0300) seeks consent for the demolition of existing buildings and landscaped area and the construction of a new Community Centre including an auditorium with 297 seats, meeting rooms, a kitchen, basement carparking and a public open space area. The use for a Community Centre is proposed to replace the existing Civic Hall and will function as a performance space with community meeting rooms. The site is owned by the Clarence Valley Council and the intended purpose is for community groups to run their own performances and meetings out of the space.

The subject site is known as 48 River Street, Maclean ('the site') and comprises two (2) road frontages, being River Street to the east and MacNaughton Place to the South. The site is located between 44 River Street to the north and 50 River Street to the south and occupies four irregular shaped lots with a combined area of 3,357.34 m<sup>2</sup>. The vehicle access point is at the rear of the site on MacNaughton Place.

Existing development on the site consists of an original weatherboard hall constructed in 1903 which has later rear additions and a façade constructed in the 1980s. Also on the site, adjoining the hall, is the former Council Chambers with a brick façade. There are 10 on-street car parks (within the property boundary) on the MacNaughton Place frontage.

The site is located on the southern end of Maclean's main street, with a mixture of uses on the block. Maclean's main shopping precinct is located 100 metres to the north on River Street. Immediately to the south is the Maclean offices of the Clarence Valley Council, adjacent to the north is a Telstra building and the Maclean Post Office, which is a Heritage Item (I251). Across MacNaughton Place are two residences and there is an additional dwelling to the east across River Street. Approximately 60 metres west of the site is the Clarence River.

The site is located in the E1 – Local Centre zone pursuant to Clause 2.2 of the *Clarence Valley Local Environmental Plan 2011* ('LEP 2011'). The demolition and construction of a Community Centre is permissible in the zone.

The principal planning controls relevant to the proposal include the LEP 2011 and the Business Zones Development Control Plan ('DCP'). The proposal is consistent with various provisions of the planning controls, with the exception of Clause 4.3 Height of Buildings. The applicant has submitted a Clause 4.6 variation request to vary the maximum height of the building from 9m to 13.754m, providing the justification of the design of the roof to be sympathetic with the Heritage Conservation Area, the need for basement car parking and the slope of the land (as the proposal will appear as single storey from the high point on River Street looking north).

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

The application was placed on public exhibition from 23 May 2023 until 3 July 2023 in accordance with the Clarence Valley Council Community Participation Plan 2022, with eight (8) submissions being received, comprising three (3) objections, one (1) in support but with concerns and four (4) in support. Key concerns from community related to amenity including noise concerns during construction and during the operation of the Community Centre, privacy/overlooking on MacNaughton Place and the design of the building. These issues are considered further in the report.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (3)(a), (b) and (c) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *community facilities* with a CIV over \$5 million on Council owned land and for which Council is the owner and applicant.

A briefing was held with the Panel on 1 August 2023 where key issues were discussed, including the height of the building variation, surrounding development (in particular residential), potential noise impacts, site characteristics with regard to potential overshadowing and view impacts and vehicle movements and car parking.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provision of the relevant State Environmental Planning Policies, the proposal is considered worthy of support.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, DA2023/0300 is recommended for approval subject to the conditions of consent contain at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

- The subject site is made up of four lots with a combined area of 3,357.34 square metres (1010.67 m<sup>2</sup>, 601.11 m<sup>2</sup>, 646.48 m<sup>2</sup> and 1099.08 m<sup>2</sup>) and is located within Maclean's commercial town centre.
- There is an existing Civic Hall on the site and parts of Lot 1 DP 821976 and Lot 9 DP 75831 contain the Clarence Valley Council Offices. There are 12 on-street car parking places (10 on the north side of the street to be removed, 2 parallel spaces to on the south side to be retained) to the rear of



the Civic Hall, including one accessible space. Note that these are within Lot 8 DP 758631 and Lot 1 DP 821976 and not within the road reserve.

- The highest point of the land is on the south east corner of the site, sloping down toward the north west
- Frontage is to River Street on the north east alignment, with a secondary frontage to the rear of the site to MacNaughton Place, which is partially on Council land providing access to the car parking of the Council offices adjacent the site to the south.
- The Clarence River is approximately 50 metres to the west of the site
- It is within the E1 Zone – Local Centre - immediately adjacent the R2 Zone – Low Density Residential
- The existing Community Hall is not a Heritage Listed Item, but is within the Maclean Heritage Conservation Area (C6)
- The site is shown as Class 5 on the Acid Sulfate Soils map.
- The Height of Buildings Map shows the maximum building height as 9 metres.
- The site is mapped as Coastal Environment Area, Coastal Use Area, and Coastal Zone (as identified by the State Environmental Policy (Resilience and Hazards) 2021).



Figure 1: Aerial image with the subject site outlined in red.





- Demolition of the existing Community Hall and former Council Chambers (shown at Figure 10)
- Construction of a new Community Centre including (See Figures 3-9 and Architectural Plans at **Attachment C**):

#### **First Floor**

- Auditorium with 297 seats, a stage and backstage areas
- Function room – 194 m<sup>2</sup>
- Kitchen and bar
- Gallery space/entry lobby – 60 m<sup>2</sup>
- Box office – 15 m<sup>2</sup>
- 2 x Multi-purpose space/meeting room – 58 m<sup>2</sup> and 32 m<sup>2</sup>
- Female and male toilets and an accessible toilet.

#### **Second Floor**

- AV room, store room, utility room and WC.

#### **Ground Floor**

- Ground floor car parking with 40 spaces, including 2 disabled spaces and 3 electric vehicle charging units – accessed from MacNaughton Place
- Elevator from the car parking to Level 1.

#### **Landscaping**

- Public Open Space accessible from both River Street (at street level) and MacNaughton Place (via stairs or the lift) with an outdoor amphitheatre.

#### **Loading areas**

- 3 Loading areas are proposed:
  1. 15 minute loading zone within the Council Carpark with a maximum height of 2.2 m. This is next to the elevator for smaller deliveries.
  2. 15 minute loading zone on River Street. This requires the removal of 2 on-street car parking spaces. A 1 metre variation to the minimum width of 3.5 m has been requested so that the proposed width is 2.5 m. A variation to the maximum grade of 4% is also requested, with a grade of 8% in this section of River Street.
  3. The existing Council Driveway to the reception area for large vehicle drop offs – with a Right of Way proposed over Lot 10 DP 813746 (to use to existing access point from River Street).
- The land use as a Community Hall will remain the same (any proposal to use the café/bar area for commercial purposes will be subject to an additional DA).

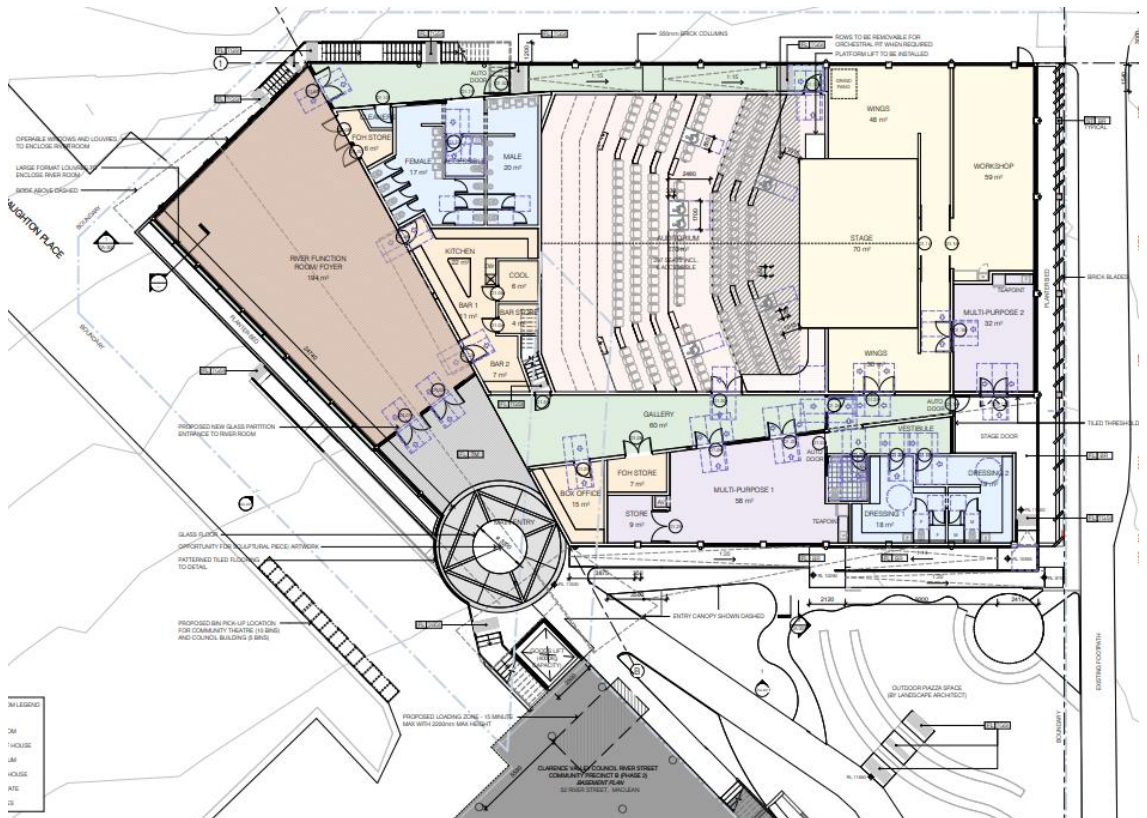
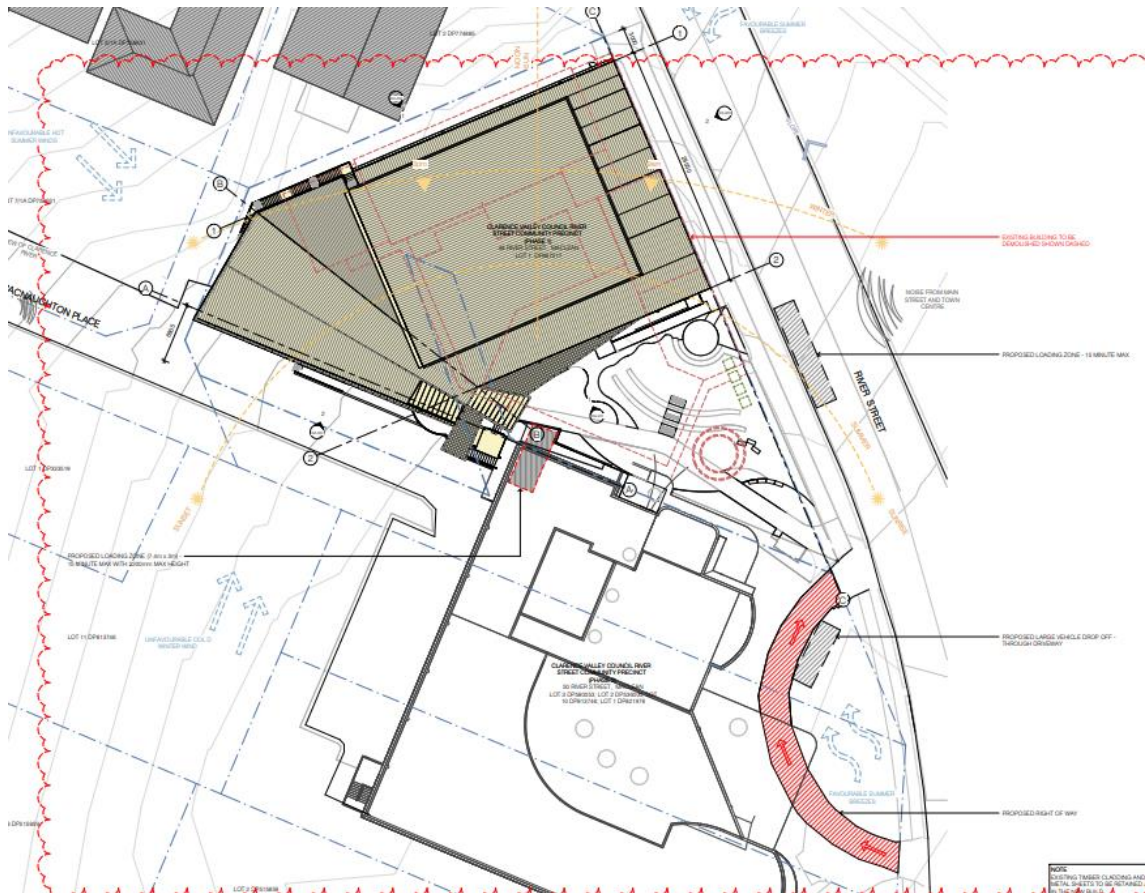






Figure 5: East elevation – view from River Street

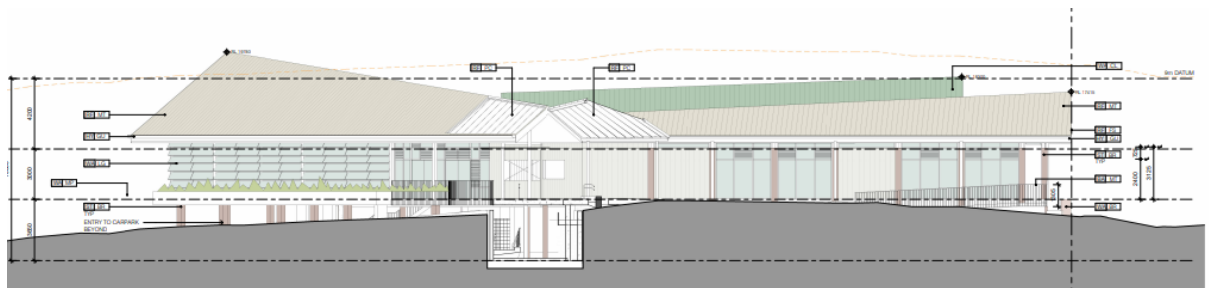


Figure 6: South elevation – view from MacNaughton Place



Figure 7: Western perspective illustration from MacNaughton Place



*Figure 8: Perspective illustration – looking south along River Street*



*Figure 9: Perspective illustration – looking west on River Street*





Figure 10: Existing Maclean Civic Hall to be demolished

Table 1: Development Data

Control	Proposal
Site area	3,357.34 m <sup>2</sup> (across 4 lots)
GFA	2,741 m <sup>2</sup> (made up of Class 7a 1,347 m <sup>2</sup> (car parking area) and Class 9b, 1,385 m <sup>2</sup> )
FSR (retail/residential)	N/A
Clause 4.6 Requests	Yes – Variation request for Clause 4.3 from the maximum building height of 9 m
No of apartments	N/A
Max Height	13.745 m
Landscaped area	Ground level landscaped area: 599.82 m <sup>2</sup> (excluding paths) Raised planting beds: 52.36 m <sup>2</sup>
Car Parking spaces	40
Setbacks	Front setback to River Street = 0 m

	<p>North west side setback = 3 m</p> <p>South east side setback = the proposed Community Centre will adjoin the existing Civic Centre via the stairs and will be setback from the existing building on the River Street frontage by 33 m</p> <p>Rear setback (to MacNaughton Place) = 6.905 m to the rear lot boundary</p>
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## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 23 February 2023 where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Presentation of the back of the building to River Street, being in a heritage conservation area and entrance corridor to the main street of Maclean

Response: The design has since been altered to break up the wall at the ground floor level on River Street, and setback on the first floor with the addition of landscaping in planter boxes.

- Appearance of the carpark basement with batten cladding and front façade from River Street

Response: see above

- On-site loading and unloading facilities in designated loading bays

Response: One on-site loading and unloading bay has been proposed within the existing Council car park, with 2 additional loading bays – one within the existing Reception driveway access to the Council administration building and the other on River Street.

- Proposed signage

Response: a wayfinding and signage concepts plan has been submitted

- Streetscape plantings, landscape screening and setbacks

Response: a landscape plan has been submitted.

- Delivery service vehicle location from MacNaughton Place (manoeuvring and clearances)

Response: This is shown on the plans as within the existing Council staff car park, with a clearance of 2.2m.

- Public street parking availability from MacNaughton Place including bus set down/pick up areas

Response: No public street parking has been shown MacNaughton Place adjacent the proposed developed. However, the ground level car parking area will be open to

the public at all times. The loading zone proposed on River Street will also act as a bus set down/pick up area.

- Changes to current public car parking availability including Maclean Court House, MacNaughton boat ramp

Response: No changes have been shown to car parking adjacent the court house, nor the boat ramp. The on-street car parking is to be removed on MacNaughton Place adjacent the development, however this is within the lot boundary and not on a road reserve.

- Potential cantilevering of roof elements and consideration of Council's "building in air space over road reserves policy"

Response: All structures are within the lot boundaries.

- Consolidation of allotments – "If new building work is proposed to straddle existing allotment boundaries, or creates a non-complying boundary setback, then Council will require that those allotments be consolidated"

Response: While this has not been addressed in the application, Council as landowner is in the process of looking into the best approach for lot boundaries. That is, whether it would be beneficial to have the Community Centre and Civic Centre on the same allotment or separate ones.

The development application was lodged on **18 May 2023**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

Date	Event
<b>18 May 2023</b>	DA lodged
<b>23 May 2023</b>	Exhibition of the application
<b>23 May 2023</b>	DA referred to external agencies
<b>5 July 2023</b>	Request for Information from Council to applicant
<b>1 August 2023</b>	Panel briefing
<b>4 August 2023</b>	Response to request for additional information lodged, including amended plans. The main changes are: <ul style="list-style-type: none"> <li>• Existing site plan and demolition plan submitted</li> <li>• Amended roof line</li> <li>• Right of Way to loading zone now shown</li> <li>• Grease arrestor now shown within ground floor car parking area</li> <li>• Conflict of interest statement provided</li> </ul>

	<ul style="list-style-type: none"> <li>• Transport Impact Assessment updated to more fully justify the location and need for each of the three loading bays proposed</li> <li>• Owner's consent to use the adjacent lot for a Right of Way (for a loading zone)</li> <li>• Updated stormwater management plan and stormwater drainage plans to confirm impervious areas</li> <li>• Evidence that the author of the Acoustic Report is accredited</li> </ul> <p>dated 4 August 2023 accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&amp;A Regulation') on 4 August 2023.</p>
<b>5 September 2023</b>	Independent peer review received
<b>13 September 2023</b>	Panel Site Visit

## 2.3 Site History

- Council (as landowner and prospective developer) has consulted with community members on concept designs over a 2 year period prior to the application being lodged.
- The site has been used for the Maclean Civic Hall since 1959 and before that a Mechanics Institute.

## 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

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

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

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

The following Environmental Planning Instruments are relevant to this application:

- *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.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Industry and Employment) 2021	<b>Chapter 3: Advertising and Signage</b> <ul style="list-style-type: none"> <li>• Section 3.6 – granting consent to signage</li> <li>• Section 3.11(1) – matters for consideration</li> </ul>	Y
State Environmental	Chapter 2: State and Regional Development	Y



Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> <li>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises Council related development over \$5 million.</li> </ul>	
State Environmental Planning Policy (Resilience & Hazards)	<p>Chapter 2: Coastal Management</p> <ul style="list-style-type: none"> <li>Section 2.10(1) &amp; (2) - Development on land within the coastal environment area</li> <li>Section 2.11(1) - Development on land within the coastal use area</li> <li>Section 2.12 - Development in coastal zone generally —development not to increase risk of coastal hazards.</li> <li>Section 2.13 - Development in coastal zone generally - coastal management programs to be considered.</li> </ul> <p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation has been considered in the Preliminary Site Investigation report (ATTACHMENT R) and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Subdivision 3 Electric vehicle charging units</p> <ul style="list-style-type: none"> <li>Exempt development</li> </ul>	Y
Proposed Instruments	None.	N/A
LEP	<ul style="list-style-type: none"> <li>Clause 2.3 – Permissibility and zone objectives</li> <li>Clause 2.7 – Demolition requires development consent</li> <li><b>Clause 4.3 – Height of buildings</b> – variation requested</li> <li>Clause 4.6 – Exceptions to development standards</li> <li>Clause 5.10 – Heritage conservation</li> <li>Clause 5.21 – Flood planning</li> <li>Clause 7.1 – Acid Sulfate Soils</li> <li>Clause 7.2 – Earthworks</li> <li>Clause 7.4 – Floodplain risk management</li> <li>Clause 7.8 – Essential Services</li> </ul>	N – Building height variation requested
DCP	<ul style="list-style-type: none"> <li>Part C – General Development Controls for Business Zones – in particular <b>Clause C6 – Building Height</b></li> <li>Part E – Heritage Conservation</li> <li><b>Part F – Parking and Vehicular Access Controls</b></li> <li>Part H – Erosion and Sediment Control</li> <li><b>Part I – Subdivision and Engineering Standards</b></li> <li>Part O – Maclean Town Centre Controls – Precinct 5 The Civic Precinct</li> </ul>	N – variation to 9m building height

Consideration of the relevant SEPPs is outlined below.

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

#### Chapter 4 Koala habitat protection 2021

The land is not core koala habitat and the land does not have an approved koala plan of management applying to the land. As such, no further assessment is required under this chapter.

#### *State Environmental Planning Policy (Industry and Employment) 2021*

Building identification and wayfinding concepts are included in the proposal, with inspiration from Scottish heritage and design (ATTACHMENT L).

As they are concepts, no dimensions have been given for the identification signage, therefore maximum dimensions will be included in the recommended conditions of consent.



*Figure 11: Signage concepts for Identification Sign on the River Street frontage.*



*Figure 12: Signage concept for Identification Sign on the River Street frontage.*

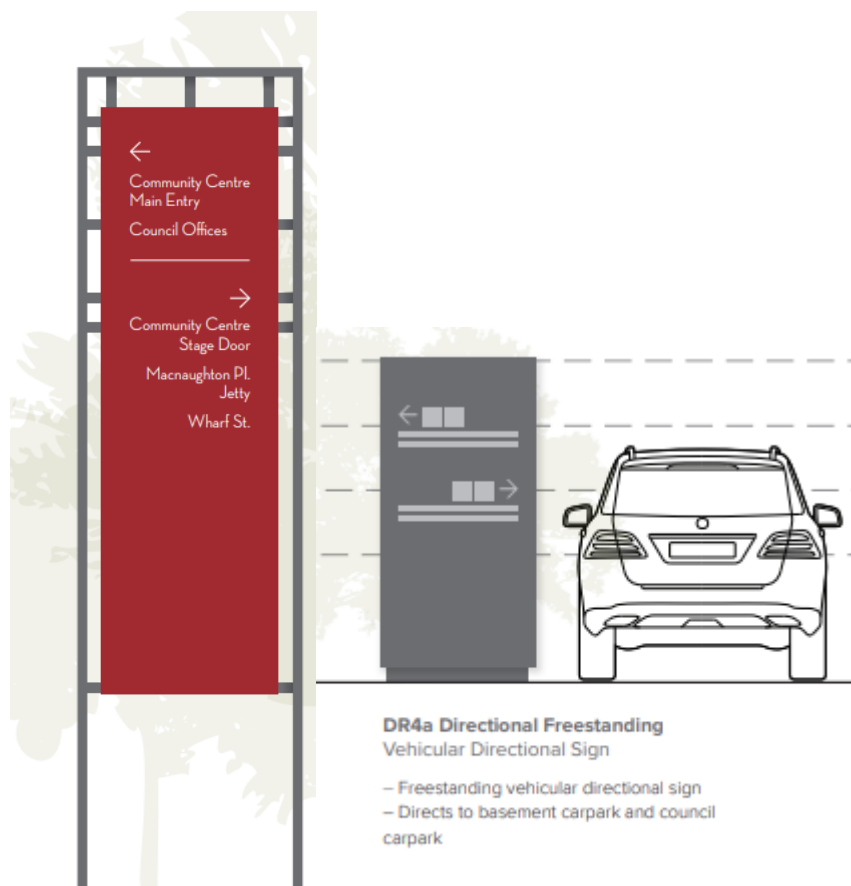


Figure 13: Directional Signage - River Street and MacNaughton Place

### Part 3.2 Signage generally

3.6 (b) – that the signage the subject of this application satisfies the assessment criteria specified in Schedule 5.

The proposed signage is consistent with the 8 design criteria:

1. Character of the area

The proposed is considered compatible with the existing or desired future character as it references Scottish and First Nations heritage. Conditions will be applied to limit any lighting of the signs to an appropriate level for a Heritage Conservation Area. There is no particular theme for outdoor advertising in the area.

2. Special areas

The proposed signage does not detract from the amenity or visual quality of the Heritage Conservation Area.

3. Views and vistas

The proposed signage will not impact views down River Street or towards the Clarence River.

4. Streetscape, setting or landscape

The scale, proportion and form of the proposed signage is considered appropriate within the street. The location of the main identification sign within the public open space area is considered appropriate, even though one of the concepts is approximately 2m in height, it is set back from the street and will be within the context of landscaping, some of which will be trees that grow more than 10 m tall. One of the concepts appear considerably taller than 2 m (Figure 12), however this is not considered appropriate

within a Heritage Conservation Area and therefore a condition is included in the Draft Conditions of Consent (at **Attachment A**) to limit the height of any free standing signs.

#### 5. Site and building

The proposal is considered compatible with the scale, proportion and characteristics of the building. The wayfinding sign is of a minimal design that will not detract from the proposed Community Centre and the identification sign on River Street will be a feature design with the aim of complementing the Heritage Conservation Area.

The proposed signage will not include ongoing vegetation management.

6. Associated devices and logos with advertisements and advertising structures,  
There are no associated devices shown on the concept plans.

#### 7. Illumination

Two of the concept signs as shown as lit at night, including one shown as up-lit. It is considered more appropriate to down-light the sign and appropriate conditions will be included in the recommended conditions of consent to require this along with limiting the brightness of any back-lit signage.

#### 8. Safety

The proposal will not impact the safety for the roads, pedestrians, bicyclists and will not obscure sightlines. Further to the conditions mentioned above, a recommended condition is to prohibit any flashing lights to ensure road users are not distracted.

The proposed identification signage visible from River Street includes a large identification sign. As no dimensions have been included on any of the concepts, it is considered appropriate to limit the height to 2 m considering it is within a Heritage Conservation Area. Given the height limit, the scale, proportion and form of the signage, and colour scheme with no LED flashing components, is appropriate for the setting within the Heritage Conservation Area, with appropriate conditions. Any free standing sign will require further approval at the Construction Certificate stage.

*State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Council related development over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

*State Environmental Planning Policy (Resilience and Hazards) 2021*

### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP')* have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be



carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site (see ATTACHMENT R).

The PSI consisted of a desktop assessment, site assessment and soil sampling. The subject site has historically been used for a garage, shop front, council building, and roadway. While the PSI states that asbestos was likely used prior to the 1960s, none was identified during the site assessment. Nevertheless the PSI recommends an asbestos assessment and management plan be undertaken before the demolition works.

The soil sampling found low levels of semi volatile hydrocarbons below guideline levels and one sample location showed lead in excess of Health Investigation Levels limits. The PSI recommends further sampling during demolition which will determine the extent of remediation works required.

The potential sources of contamination from prior uses for the Maclean Civic Hall and a garage were considered to be:

- Historical commercial structures and machinery
- Fill material
- Surface spills
- Chemical application during laying of the bitumen
- Oil, fuel and chemical spills
- Contaminants from stormwater and runoff
- Leaking vehicles, machinery and storage of disused machinery and containers

It is thus considered that subject to further sampling after demolition and subsequent remediation works deemed necessary, the site can be made suitable for the proposed community facility subject to conditions of consent. The proposal is considered to be consistent with the Resilience and Hazards SEPP, subject to imposition of relevant conditions of consent in relation to remediation works during construction on any consent granted.

#### *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Section 2.124, Subdivision 3 Electric vehicle charging units (under Division 17 Roads and traffic) states that:

*(1) Development for the purposes of installing an EV charging unit may be carried out by or on behalf of an electricity supply authority or public authority with consent if—*

*(a) the unit does not obstruct the following—*

*(i) vehicular, cyclist or pedestrian access to or from, or entry into, a building,*

*(ii) cyclist or pedestrian movement along a cycleway or footpath, and*

*(b) the unit does not obstruct access to, or interfere with, a structure, device, fixture or equipment used for firefighting or fire protection, including a fire hydrant.*

It is considered that the three electric vehicle charging units proposed for the ground floor car parking area meets these requirements.

#### *Clarence Valley Local Environmental Plan 2011*

The relevant local environmental plan applying to the site is the LEP. The aims of the LEP are:

*(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*

- (a) to encourage and enable the sustainable use, development and management of natural and man-made resources, including agricultural land resources and productive rural lands,*
- (b) to limit dispersed rural settlement,*
- (c) to provide a mix of housing, including affordable housing, to meet the needs of the community,*
- (d) to protect areas of high ecological, scientific, cultural or aesthetic value,*
- (e) to provide adequate access and services to development carried out in accordance with this Plan,*
- (f) to maintain the character of villages and towns,*
- (g) to conserve items and areas of environmental and cultural heritage,*
- (h) to provide a hierarchy of business/retail centres,*
- (i) to identify land for industrial and business development that provides opportunities for employment,*
- (j) to protect key infrastructure and ensure adequate integration of infrastructure and development,*
- (k) to maintain or improve the natural conservation and scenic amenity values of the land, including significant habitat areas and wildlife corridors.*

The proposal is consistent with these aims as the proposal:

- protects and promotes the land for arts and cultural activities, redeveloping the site to provide a modern fit for purpose performance facility.
- contributes to the character of Maclean, as the proposal has been designed within the heritage context of the Conservation Area.
- While the proposal is to demolish a site with heritage value, the SOHI states that it is the use of the site that provides the heritage value. The proposed redevelopment supports the ongoing use of the land for a community centre.
- Supports the commercial centre of Maclean as the improved facility is likely to draw people to the area when performances are held.
- The existing Community Hall is a key community infrastructure for Maclean and the surrounding rural area. Developing an improved, fit for purpose facility will protect the ongoing use of this key infrastructure into the future.

### *Zoning and Permissibility (Part 2)*

The site is located within the E1 Local Centre Zone pursuant to Clause 2.2 of the LEP.

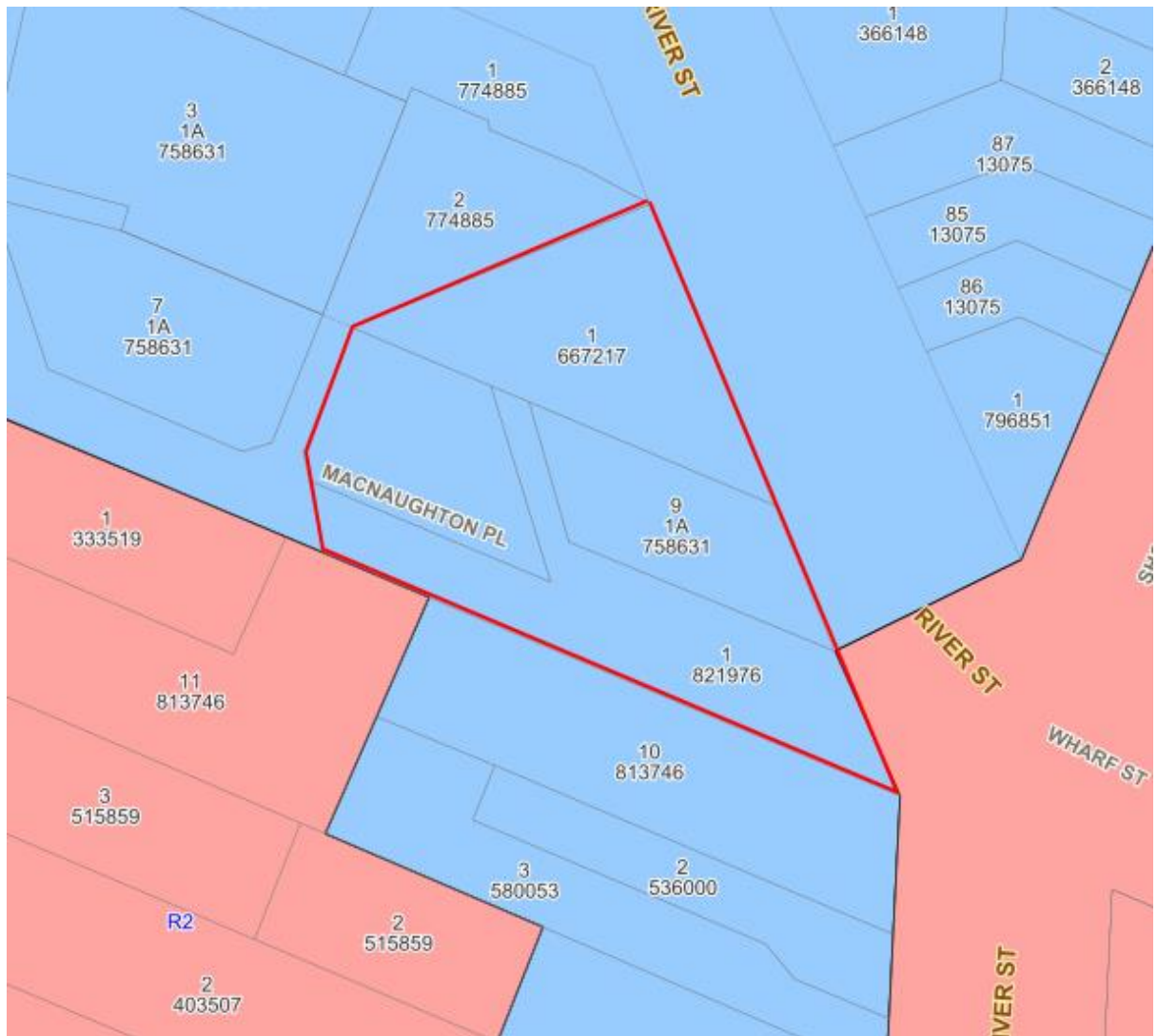


Figure 14: Showing the subject site (outlined in red) within the E1 zone in the Maclean town centre, showing the R2 zone adjacent the site.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of *Community Facilities* which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To reinforce and support the central business districts of Maclean, Iluka and Yamba as the commercial centres for those towns.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

- To enable other land uses that are compatible with, and do not detract from, the viability of retail, business, entertainment and community uses within the zone.
- To reinforce the neighbourhood centres of Coutts Crossing, Glenreagh, Lawrence and Ulmarra as the locations for commercial premises.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- It will improve on the existing community use to serve the needs of residents, workers and visitors by improving and increasing the auditorium space, adding meeting rooms, providing more car parking, and improving accessibility in addition to providing a larger public open space.
- The proposal reinforces the town centre of Maclean by contributing to the activity through providing a modern performance space within the town centre.
- The proposal has considered adjoining and nearby residential uses with the view of minimising conflict with the Low Density Residential Zone. Conditions will also be recommended to protect the amenity of nearby residents.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below. The proposal does not comply with the development standard in Part 4 of the LEP and accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum Height of buildings (Clause 4.3) (see ATTACHMENT D).

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	Does not apply to the site		N/A
Height of buildings (CI 4.3(2))	9 metres	The maximum height is 13.745 m – a variation has been requested. See full assessment below.	No
FSR (CI 4.4(2))	Not adopted		N/A
Land acquisition (CI 5.1/5.1A)	Does not apply to the site		N/A
Heritage (CI 5.10)	Consideration against this clause	To demolish the existing building and rebuild a community centre.  A Statement of Heritage Impact has been submitted (ATTACHMENT K), in which it was found that the existing community hall has	Yes

		<p>heritage values at the local level for its social value. (See a more detailed assessment against Cl. 5.10 below).</p> <p>An Aboriginal Heritage Information Management System (AHIMS) web service search, dated 20 April 2023, for the subject site has been submitted with the application. It was found that there are no recorded Aboriginal sites or places in or near site (ATTACHMENT S).</p> <p>In order to ensure the proposal conserves Aboriginal objects and Aboriginal places of heritage significance, a condition of consent has been applied requiring construction works to stop to allow due diligence if a relic has been discovered.</p>	
Flood Planning (Cl 5.21)	Consideration against this clause	A small portion of the western side of the site is within the Probable Maximum Flood map. A Flood Assessment has been submitted with the application (ATTACHMENT P) and it was found that there is limited impact, apart from MacNaughton Place flooding, therefore cars should be evacuated prior to a flood event.	Yes
Acid sulphate soils (Cl 7.1)	Consideration against this clause - Works within 500 m of adjacent Class 1, 2, 3 or 4 land that is below 5 m AHD and by which the watertable is likely to be lowered below 1 m AHD on adjacent Class 1, 2, 3 or 4 land.	<p>The site is mapped as Class 5 Acid Sulfate Soils and is within 500 m within land mapped as Class 1, 2 and 3 Acid Sulfate Soils.</p> <p>However, works will not be below 5 m AHD no will it be likely to impact the watertable.</p>	Yes



Floodplain Risk Management (Cl 7.4)	Consideration against this clause for land between the probably maximum flood line and the flood planning area and land surrounding be the flood planning area.	See consideration against Clause 5.21 above.	Yes
Essential Services (Cl 7.8)	Consideration against this clause – requirement for access to the following services: water, electricity, sewage, stormwater, road access.	The subject site has suitable access to all available services. A stormwater easement is required to be realigned as part of the proposed works.	Yes

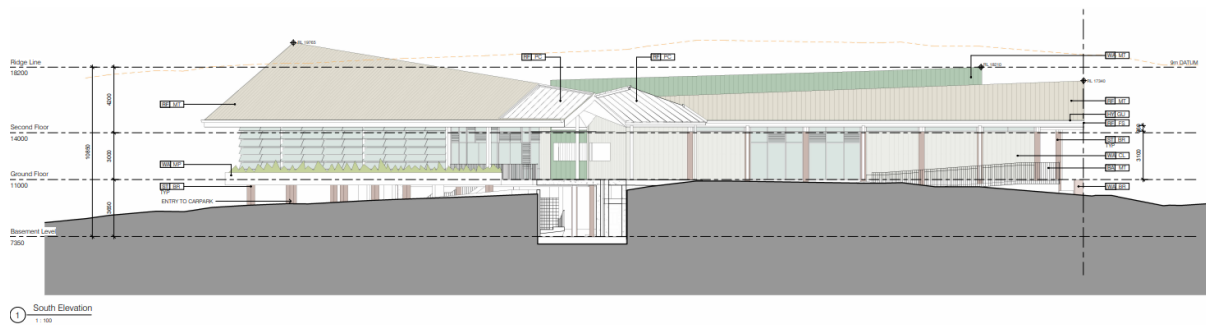
The proposal is considered to be generally consistent with the LEP.

#### Clause 4.6 Request

A Clause 4.6 variation request has been submitted to vary the Height of Buildings standard at Clause 4.3 (ATTACHMENT D). Clause 4.6 allows the approval of development even though it may contravene a development standard imposed by the LEP or any other environmental planning instrument. In this case, the development standard being contravened is the 9m height maximum required by Clause 4.3 of the LEP. The proposed community centre has a maximum height of 13.745 m. Therefore, it is proposed to exceed the standard by 4.745 m at the highest point on the Western side. The proportion of the roofline that exceeds the height limit is 52.7%. Refer to the elevations, height blanket plans at and overshadowing diagrams at **ATTACHMENTS E** and **F** that show the extent of the height variation.



Figure 15: The North Elevation, being the low point on the site, shows the greatest variation from the standard. The 9 m datum line is shown as an orange dashed line, with the existing roof line shown as a red dashed line.



*Figure 16: The South Elevation, being the highest point of the site, shows minimal variation from the standard, with only a small section of roof line on the Western side above the 9m Datum line (shown as an orange dashed line).*

### *Preconditions to be satisfied*

Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions include:

1. Tests to be satisfied pursuant to Cl 4.6(4)(a) – this includes matters under Cl 4.6(3)(a) and (b) in relation to whether the proposal is unreasonable and unnecessary in the circumstances of the case and whether there are sufficient environmental planning grounds to justify contravening the development standard and whether the proposal is in the public interest (Cl 4.6(a)(ii)); and
2. Tests to be satisfied pursuant to Cl 4.6(b) – concurrence of the Planning Secretary.

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 request.

The applicant has submitted a written request providing the following reasons that compliance with the development standard is unreasonable or unnecessary:

- The proposal has a low scale appearance, generally of single-storey character looking north along River Street
- Non-compliance is largely due to the cross-fall of the slope of the site
- The bulk and scale of the proposal is minimised through the openness of the building undercroft, ensuring that the design can continue to be read as a single-storey structure.
- For the above reasons, the low scale character of Maclean is retained
- The proposal complements the neighbouring buildings, rather than detracts from the streetscape as is the case for the existing Civic Hall
- The proposal is consistent with the objectives of the zone.

### Comment

Council staff support a variation to the nine (9) metre height limit in this case as the public benefit in providing a fit for purpose community centre for the area, far outweighs the benefits in maintaining the height limit standard. In addition to the reasoning given by the applicant, it is considered that providing a gabled roof to complement the Heritage Conservation Area is a desired outcome, as is constructing a performance space with high

ceilings for optimal acoustics. Furthermore, providing basement car parking (ground floor at the MacNaughton Place level) is more desirable than building a lower, stepped-down structure with no car parking.

The proposal is consistent with the aims and objectives of the zone and allows for a land use that provides facilities and services to meet the needs of residents and visitors. It is considered the proposal will not negatively impact on the amenity of residents in terms of privacy or overshadowing.

Overall, it is considered that there are sufficient planning grounds to justify contravention of the nine (9) metre height standard set by Clause 4.3 in this instance.

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

- a) *The consent authority is satisfied that*
  - i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*Comment*

Council staff are satisfied that the applicant's request has adequately demonstrated that a variation to the nine (9) metre height maximum is reasonable in this instance due to the proposal being an important community facility, is on a sloped site and is designed to complement the Heritage Conservation Area. In addition, there will be no unreasonable impact to the amenity of the area or HCA, nor is there unreasonable overshadowing of public open space or residential neighbours (see ATTACHMENT E). There are sufficient planning grounds to justify the contravention of the standard in this instance.

- ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*Comment*

The objectives of Clause 4.3 Height of Buildings are:

- a *To maintain the low scale character of towns and villages in the Clarence Valley*
- b *To protect the amenity of neighbouring properties by minimising visual impact, disruption to views, loss of privacy and loss of solar access to existing development and to public land.*

The objectives of the E1 Local Centre zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To reinforce and support the central business districts of Maclean, Iluka and Yamba as the commercial centres for those towns.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

- *To enable other land uses that are compatible with, and do not detract from, the viability of retail, business, entertainment and community uses within the zone.*
- *To reinforce the neighbourhood centres of Coutts Crossing, Glenreagh, Lawrence and Ulmarra as the locations for commercial premises.*

The proposed development is considered to be in the public interest because the development is a unique response to the site and requirements for a community centre and, as such, variations to the development standards for height will not create undesirable precedents in the Maclean town centre. The proposal, in particular, reinforces and supports the central business district of Maclean.

*b) The concurrence of the Secretary has been obtained.*

*Comment*

In accordance with Planning Circular PS20-002, Council has assumed concurrence of the Secretary of NSW Department of Planning and Environment to grant approval to the variation of height required by Clause 4.3 of the LEP.

Clause 4.6(5) requires that in deciding whether to grant concurrence, the Secretary must consider:

- a) Whether contravention of the development standard raises any matter of significance for state or regional environmental planning, and*

*Comment*

The contravention of the standard does not raise any matters of significance for state or regional planning. A variation to the height limit in this instance is supported to allow the delivery of the Community Centre whilst designing for the slope of the land and complementing the Heritage Conservation Area.

*b) The public benefit of maintaining the standard, and*

*Comment*

The public benefit in providing a purpose-built community centre for the area far outweighs the benefits in maintaining the height limit standard as it allows the provision of ground level car parking at MacNaughton Place and a gabled roof to complement the heritage conservation area while providing an auditorium with nearly 300 tiered seats.

- c) Any other matters required to be taken into consideration by the Secretary before granting consent.*

*Comment*

There are no other matters of significance required to be taken into consideration by the Secretary before granting consent.

*Clause 5.10 Heritage Conservation*

Objectives:

- (a) To conserve the environmental heritage of Clarence Valley,*
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) To conserve archaeological sites,*
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

This assessment will address Objective b in relation to the proposed demolition of the existing Civic Hall (originally constructed in 1903) and adjoining former Council chambers (1959).

A Statement of Heritage Impact (SOHI) has been submitted with the application (ATTACHMENT K). It was found that *“the building has heritage values at a local level in relation to the history of the site, it is (historical) associated with notable local people, its social values, research potential and as a representative item. However, after discussions with the local community, the social significance for the Civic Hall would also be linked with another structure that has the same purpose on this site in Maclean. Many of the stakeholders who were consulted expressed frustration with the Maclean Civic Hall, and an assessment of the building’s integrity, intactness and condition does not support protecting, conserving and retaining the existing building.”*

Thus, it is considered the proposal will retain and enhance the social significance of the site for the ongoing use for a Community Centre.

The SOHI found that the proposed design respects or enhances the heritage significance of the conservation area, particularly the roof style and the way the design is broken up on the River Street façade. Council’s internal heritage referral supports this advice, however, requires that the white roof is not appropriate in the Heritage Conservation Area (HCA) and that a zincalume or mid-grey Colorbond roof is more in line with the HCA and the DCP. Recommended condition 18 addresses this issue.

Recommendations are made in the report relating to the colour scheme of the proposed Community Centre. The following recommendations from the SOHI will be included as conditions on the consent:

1. Remove the existing commemorative plaque and refix it to the new building
2. Require a Heritage Interpretation Plan to document the original or historical elements, including the following:
  - a. *The weatherboard exterior and the brick sub structure which are on the northern side of the building are being reused as per the current design*
  - b. *The curved Wunderlich pressed metal ceiling in the hall and stage. This is an impressive element and the only original decorative element retained from the 1903 original building. It is to be protected and retained and reused where appropriate.*
  - c. *The stage lights, although not remarkable do appear to be early or original and provide a sense of history I the very plain stage setting.*
  - d. *There are likely to be items in the below stage area, which include the former Maclean Shire Council timber sign from 1957, that would have historical or heritage significance and will need to be retained for display.*
3. Require an archival plan

The above recommendations have been incorporated into the draft Conditions of Consent provided at **Attachment A**.

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

N/A

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

The following Development Control Plan is relevant to this application:

- *Business Zones Development Control Plan 2011* ('the DCP')

The proposal is generally consistent with the DCP, with the exception of the 9 m building height required by Clause C6, which has been extensively addressed in the section above relating to the Clause 4.6 Variation Request. Other inconsistencies have been addressed with conditions, provided in the Draft Conditions of Consent at **Attachment A**.

A detailed table with consideration of the DCP Controls is provided at **Attachment B**.

The following contributions plan is relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Clarence Valley Contributions Plan 2011*

Section 7.12 levy rates for development other than Residential Accommodation development.

This Contributions Plan has been considered, no contributions are levied for Community Facilities. The development is exempt from all Section 94 and Section 64 charges under the *Development Contributions for Community Facilities Policy*.

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

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

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

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

- Demolition of the existing building is addressed in the recommended draft conditions with regards to provisions of AS 2601 The demolition of structures.
- Clause 66A – Conflict of Interest – The application has been considered against Council's adopted Conflict of Interest Policy and potential conflicts and no potential Conflicts of Interest were identified during assessment of the application. The Management Strategy submitted within the Conflict of Interest Management Statement has been complied with (see **ATTACHMENT W**). In addition, an Independent Peer Review was conducted and comments incorporated in this assessment (see ATTACHMENT X).

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).



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

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed Community Centre is appropriate as a result of consideration of the Heritage Conservation Area and the local need for a Community Precinct. The redevelopment of the existing Civic Hall is Phase 1 of this Community Precinct (Phase 2 is to be relocation of the library and redesign of the Council Chambers, however that is not subject to this Development Application).

The design of the proposal has been assessed with regard to the Heritage Conservation Area, the assessment provided in the Statement of Heritage Impact and the comments of Council's Senior Strategic Planner (a heritage specialist). It is considered the proposal is sympathetic within the heritage streetscape and the bulk and scale has been appropriately broken up by vertical brick columns and framed glazing.

The land use is not proposed to change as it will still function as a community performance space and meeting place. However, the capacity will be increased and car parking will be provided on site on a basement level (which is at ground level on MacNaughton Place, due to the fall of the land).

As there are two residential neighbours across the street on MacNaughton Place and two across the street on River Street noise impacts have been carefully considered. An Acoustic Assessment (ATTACHMENT I) has been submitted with the application and the recommendations have been included in the draft conditions, as well as further conditions relating to the use of the River Function Room that faces MacNaughton Place. An additional condition relating to the review of the impacts of the use after 12 months has also been included.

- Access and traffic – A Traffic Impact Investigation (TII) report (ATTACHMENT J) has been provided to support the application, in which it states that additional 42 peak hour vehicle trips is likely to be generated by the proposal. The TII recommends that, as the road frontage grade is 12% at MacNaughton Place, grading of the access driveway be refined during design, to comply with relevant standards. This has been included in the recommended conditions of consent.

The TII found that the intersections of MacNaughton Place/River Street and the River Street/Stanley Street roundabout operate within acceptable key performance indicators.

The proposal will provide 40 car parking spaces, which will be a net gain of 27 car parking spaces. This is considering the removal of 10 on street spaces on MacNaughton Place, one (1) Council car parking space for a loading zone and two (2) on-street spaces on River Street for the provision of a loading zone. Overflow parking can be accommodated in the public car parking behind the commercial precinct of the Maclean Town Centre, accesses from Centenary Drive, approximately 180 m from the subject site.

The subject site is within the Maclean town centre and is therefore accessible by foot and by bike for many local residents.

Public transport consists of bus services to Grafton, Lawrence, Yamba/Angourie and Iluka.

It is considered the proposal improves accessibility particularly as it provides accessible car parking spaces in the basement car park with direct access to an elevator.

- Public Domain – the proposal will increase the existing public open space and provide an updated design with an outdoor amphitheatre and views to the Clarence River to the west. The proposal will include a pedestrian linkage to MacNaughton Place via stairs and elevator, which does not currently exist.
- Utilities – all utilities are available at the site. No upgrade to key utilities are required as a result of the proposal. However the existing stormwater drain will be realigned.
- Heritage – the site is within a Heritage Conservation Area and there are adjoining and nearby Heritage Items to the north, west and east of the site. Extensive consideration of the impacts on heritage has been included in this report (including in the Key Issues section), including consideration of the Statement of Heritage Impact submitted with the application.
- Other land resources – none
- Water/air/soils impacts – The Preliminary Site Investigation has identified the presence of lead. A full assessment is not possible at this time, until the existing building is demolished. Recommended conditions have been applied to require further testing and remediation, if necessary. Contamination has been further discussed in Section 4.15(1)(a)(i).
- Flora and fauna impacts – Planted gardens and trees will be removed and will therefore likely impact flora and fauna on a minor level, such as birds and invertebrates nesting in the trees. No threatened species have been identified. The proposal includes the planting of locally native tree, shrub and groundcover species and will replace any habitat lost.
- Natural environment and Natural Hazards – the natural contours of the site will be changed by the basement car parking however stormwater drainage and flood risk have been addressed in the application. Flood mapping comes to just inside the western boundary of the site. The Flood Assessment report (ATTACHMENT P) has found that the site itself is not impacted by flooding, but that the access on MacNaughton Place does become inundated in a flood event therefore it is recommended the building be evacuated in the event of a flood.
- Noise and vibration – construction noise is mitigated by a condition imposing restricted construction hours - the reduced construction hours (rather than 8:00 am to 6:00 pm on Saturdays) has been applied as considered more appropriate for a development adjacent residential land use. The Acoustic Assessment report (ATTACHMENT I) states that it was not possible to conduct a full assessment in

relation to vibration, however this will be required at the Construction Certificate stage, as shown in the draft conditions.

- Safety, security and crime prevention – CPTED Principles have been considered. The car parking is visible to the street and appropriate lighting is to be a condition of consent. The public open space is clearly visible from River Street.
- Social impact – the proposal will provide an improved community centre which will provide a space for performances, meetings and functions. Additionally, the public open space will be increased and will be more open to the street than the existing space.
- Economic impact – supporting the community of Maclean and surrounds by providing an improved community performance space may result in indirect economic benefit. For example, increasing the number of visitors to the Maclean Town Centre.
- Site design and internal design – the proposal is set out appropriately given the site constraints, including the slope of the land. The access from River Street leads through the public open space and the car parking is accessible by an elevator or stairs. For the design to be sympathetic to the Heritage Conservation Area the roof line is a descending gable design which increases the height as does providing the basement car parking from MacNaughton Place.
- Construction – construction noise is mitigated by a condition imposing restricted construction hours. A Construction Management Plan is required prior to commencing works to mitigate impacts via traffic control and management. A condition to require the assessment of surrounding buildings will also be included to ensure any negative impacts that may result from the construction will be documented and rectified.
- Cumulative impacts – the proposal will not result in any adverse cumulative impacts and is consistent with the planning controls.

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

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

- The proposed Community Centre is considered to fit within the locality, with particular consideration given to the Heritage Conservation Area.
- Services, transport infrastructure and open space are considered adequate to support the proposal.
- The site attributes such as zoning, location within the Maclean town centre, adjoining uses are conducive to the development, with conditions included in the consent to protect the amenity of adjoining residences.
- A small section of the western boundary is mapped as affected by a Probable Maximum Flood level, however the site is largely considered flood free.

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

These submissions are considered in Section 5 of this report.

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

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

- It will provide an improved community facility that is fit for purpose and will accommodate local performances and community meetings.
- By providing an improved community facility and meeting place, it is expected the proposal will have a positive impact on the health and safety of the public, due to the improved social and economic benefits.
- The site is located within the town centre and is therefore accessible by foot and by bike.
- The proposal is generally consistent with planning controls and has submitted sufficient justification for varying the Height of Buildings limit.
- Potential impacts are mitigated with conditions.
- Safety of the public has been ensured by implementing CPTED design elements, ensuring the car park and public open space are open and clearly visible from the street, and providing pedestrian linkages.
- The proposal is consistent with the North Coast Regional Plan that names Maclean as an important centre and the Clarence Valley Local Strategic Planning Statement encourages development for entertainment purposes that fits with the local character and supports the daily needs of locals and visitors.
- The proposal is consistent with the principles of Ecologically Sustainable Development by using recycled materials where possible and harvested rainwater.
- The impacts on climate change are expected to be minimal.

On balance the proposal is consistent to the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

There are no concurrence or external referral requirements under the EP&A Act.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
N/A			
<b>Referral/Consultation Agencies</b>			
N/A			
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
N/A			

### 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Engineering	Council's Engineering Officer reviewed the updated Stormwater Management Plan (ATTACHMENT O), Stormwater Drainage Plans (ATTACHMENT N), revised Traffic Impact Investigation (ATTACHMENT J) and car parking plans (ATTACHMENT C) and considered that there were no objections subject to conditions.	Yes (conditions)  Refer to key Issues
Traffic – Safe Systems Working Group/Local Traffic Committee	The Local Traffic Committee and Safe System Working Group reviewed the proposed Loading Zone on River Street.  They considered that it would be acceptable only if the loading zone met the minimum width and that the variation of the standard requested was not acceptable.	Refer to key Issues
Building	Council's Building Surveyor considered the submitted plans and supporting documentation in relation to BCA compliance and considered there were no objections subject to conditions requiring more detail to be provided at the Construction Certificate Stage, particularly relating to the lift and ramp.	Yes (conditions)
Environmental Health	Council's Environmental Health Officers reviewed the materials relating to contamination, food preparation, noise and lighting. Noise concerns have been carefully considered and are discussed further in key issues. It was found that there were no objections subject to conditions.	Yes (conditions) Refer to key issues.
Waste and Sustainability	Council's Waste and Sustainability Officer has reviewed the proposal, in particular the Architectural Plans and the Waste Management Plan. It is considered the proposal can be adequately serviced for waste removal requirements, similar to the servicing of the existing buildings.	Yes
Trade Waste	Council's Trade Waste Officer has reviewed the proposal and considered there were no objections subject to conditions.	Yes (conditions)
Heritage	Council's Heritage Officer/Consultant reviewed the submitted Statement of Heritage Impact (SOHI) (ATTACHMENT K) prepared for the applicant and concurred with the conclusion of the SOHI that on balance, the demolition of the existing community hall and the design of the proposal is justified and there would not be any adverse impacts on heritage values arising from the proposal. It was also recommended that conditions are to be imposed on any consent issued regarding the salvage of materials and building elements, the retention of the commemorative plaque, provision of a	Yes (conditions)

	<p>photographic archival recording and a Heritage Interpretation Strategy to be prepared. Standard heritage discovery conditions were also recommended. It was considered that the white roof proposed, however, is not consistent with the Heritage Conservation Area and that a condition require uncoloured roofing. See further discussion under Clause 5.10 above.</p> <p><u>Outcome:</u> Satisfactory subject to conditions being imposed on any consent granted (refer to Attachment 1).</p>	
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The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

In addition to the above, the application was referred to Yaegl Local Aboriginal Land Council for comment. No submission has been received.

### 4.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 23 May 2023 until 3 July 2023. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and nearby properties (15);
- Notification on Council's website;
- Notification in Council's weekly email newsletter.

The Council received a total of eight (8) unique submissions, comprising three (3) objections and four (4) submissions in favour of the proposal. An additional submission was in favour of the proposal but raised some concerns. The issues raised in these submissions are considered in **Table 7**.

**Table 7: Community Submissions**

Issue	No of submissions	Council Comments
Noise	2	<p>Concerns around noise levels and impacts on residents.</p> <p><b>Outcome:</b> This has been addressed in the Key Issues section and appropriate conditions have been included in the consent.</p>
Overlooking	2	<p>Each of the dwellings on MacNaughton Place are greater than 20 m from the proposed development and have substantial established vegetation on their northern boundaries. The southern side of the River Function Room will have a decorative application that will reduce the transparency, breaking up the view to the existing dwellings from this room. The</p>



		<p>main outlook from the River Function room will be to the west, looking towards the River. It may be possible to see a portion of the private open space of 2 Wharf Street from this vantage point, however as it is not directly overlooking, it is considered reasonable.</p> <p><b>Outcome:</b> The overlooking impacts of the proposal are considered minimal.</p>
Design	1	<p>Concerns that the proposed design does not fit with the Scottish theme of Maclean.</p> <p><b>Outcome:</b> It is considered that the proposed design is responsive to the Heritage Conservation Area and Scottish heritage is referenced in the design by including tartan-inspired designs on the glazing and the River Function Room window frames. This is supported by the SOHI submitted with the application and the comments of Council's Heritage Advisor.</p>
Vehicle access	1	<p>Safe access to homes have been requested.</p> <p><b>Outcome:</b> it is considered the proposal will not impact on the safety of access to homes on MacNaughton Place as the proposal will not obstruct access in any way.</p>
Disruption to residents during demolition and construction	2	<p>Concerns around impact of noise during construction, building hours and dust. The length of time the construction will take is also a concern.</p> <p>Request for video surveillance during and after project completion.</p> <p><b>Outcome:</b> Council's Building Surveyor has proposed extensive conditions relating to construction including a demolition work plan and a construction management plan.</p> <p>Therefore this issue has been satisfactorily addressed subject to the imposition of recommended conditions of consent limiting construction hours and sediment control.</p> <p>It is not considered reasonable to require the maximum length of time the construction takes as a condition due to potential for unforeseen delays. The applicants could informally update residential neighbours as the construction progresses.</p> <p>It is not clear what the purpose of the requested video surveillance would be. Thus, this has not been recommended as a condition of consent. However, there is a condition requiring a dilapidation report for</p>

		surrounding buildings.
Damage to property during demolition and construction	1	<p>A concern regarding the impact on surrounding properties and a request to undertake an audit before demolition and construction and to secure bonds from all contractors.</p> <p><b>Outcome:</b> a condition has been recommended to require a dilapidation report for nearby buildings prior to works commencing.</p>
Light from existing Council Car Park	1	<p>Light from the existing council car park shining into a residential neighbour's windows at night. While this is not considered relevant to this application as the Council administration building is not subject to this application, this concern has been considered in relation to the proposed community centre to ensure that the issue with lighting does not occur in the new building. A condition has been proposed to ensure neighbourhood amenity is not impacted by lighting of the proposed Community Centre.</p> <p><b>Outcome:</b> The existing council car park is not subject to this proposal.</p>
Council spending money	1	<p>A concern regarding Council spending money and increasing the debt level. Any money should be spent on fixing road infrastructure.</p> <p><b>Outcome:</b> Council has planned and budgeted for both the proposal and road repairs.</p>
Rezoning	1	<p>Comment regarding rezoning to semi-commercial.</p> <p><b>Outcome:</b> The land will remain in the E1 zone and will not be rezoned as part of this proposal.</p>
Speed	1	<p>The speed on MacNaughton place to be kept to 20 km/hr.</p> <p><b>Outcome:</b> No changes to the speed zone on MacNaughton Place are proposed. It is currently 40 km/hr.</p>

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Building Height

The maximum height of the proposal is 13.745 m, while the Maximum Height of Buildings in this location nominated by Clause 4.3 is 9 m in the LEP 2011. A Clause 4.6 variation request has been submitted which addresses the reasoning for the proposed height (ATTACHMENT

D). This has been discussed previously in this report. It is considered that the following reasons are considered sufficient to vary the height:

- Heritage – the gabled roof form is considered more sympathetic within a Heritage Conservation Area than a flat roof, which would reduce the height.
- The height of the roof in the auditorium to allow for tiered seating, this also prevents a stepped-down design that might otherwise follow the slope of the land.
- The first floor level will allow the building to appear as a single storey building looking north along River Street and will allow car parking underneath.
- The slope of the land requires that, for the auditorium and function rooms to be on one level, the building will be higher from ground level on the north side than the south side.

Resolution: The variation to the Maximum Height of Buildings clause is considered justified in this location and therefore acceptable.

## **5.2 Noise and Vibration Assessment**

The potential for noise and vibration to impact on adjoining properties is an important consideration given the proximity of residential neighbours. The application was accompanied by an Acoustic Assessment prepared by Pulse White Noise Acoustics, dated April 2023 ('Acoustic Assessment') which considered this issue (see ATTACHMENT I).

The Acoustic Assessment recommended a number of conditions relating to the use of the Community Centre to reduce noise impact on nearby residential neighbours, with particular focus on the River Function Room which face MacNaughton Place. A number of recommended conditions have been included. However, it was considered that requiring the windows and doors be closed by 10 pm was too late on weeknights and it may cause unacceptable amenity impacts to residents, so a condition is included in the draft conditions of consent to have all the windows and doors closed by 9 pm on weeknights.

The Acoustic Report stated that a detailed Construction Noise and Vibration Management Plan was unable to be completed and it should be required as a condition. This has been included on the recommended conditions of consent as part of the Construction Environmental Management Plan.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## **5.3 Heritage**

The demolition of the existing Civic Hall and proposed new Community Centre, and the impacts on the Heritage Conservation Area have been carefully considered in this report and a full assessment is provided under Clause 5.10 above, taking into account the Statement of Heritage Impact submitted with the application and the comments of Council's Senior Strategic Planner (heritage specialist).

It is considered that while the existing proposal does have heritage significance, due to the original building being substantially altered the significance is largely related to the use of the land for a Community Facility. The proposal is considered to support the ongoing use of the land for a Community Centre, with a fit for purpose modern design. The external façades are designed to be sympathetic to the Heritage Conservation Area and are considered acceptable in this location.

It has been recommended by Council's Senior Strategic Planner (heritage specialist) to condition the requirement to change the roof colour from white to uncoloured metal roofing to align better with the Heritage Conservation Area.

**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

#### **5.4 Loading Bays**

Three loading bays are proposed:

- Within the existing Council car parking area next to the proposed lift, accessed from MacNaughton Place. This space will be accessible for vehicles with a maximum height of 2.2 m. The purpose of this space is for smaller deliveries.
- On-street on River Street. This space will replace two existing parallel car parking spaces. The proposal, at 8%, seeks a variation to the minimum grade of 4% and minimum width of 3.5 m (required by the Business Zones DCP) by 1 m. However, the width variation was not supported by the Safe Systems Works Group and the Local Traffic Committee who provided the comment "The loading zone is supported subject to meeting the minimum width requirements which may require a kerb indentation or reconfiguring the lanes and parking." This is provided for in the draft conditions of consent. The grade of 8% is considered unavoidable. This space is aimed to accommodate buses with a maximum of 14.5 m in length.
- The third loading bay proposed to be within the existing porte-cochere of the Council offices at 50 River Street under a Right of Way arrangement. The purpose of this loading zone is to provide a level area for unloading of heavy performance and workshop equipment. This is required due to the 8% grade of the on-street space on River Street outlined above. This loading zone will only be available outside of office hours to avoid conflict with the existing public access to the Council offices.

Each loading bay will have a maximum parking time of 15 minutes.

**Resolution:** The proposed loading bays are considered to be justified and have been resolved through recommended conditions of consent as outlined in **Attachment A**.

### **6. CONCLUSION**

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

No key issues remain unresolved, development results in an appropriate urban design outcome within a Heritage Conservation Area, the site is deemed suitable, and the proposal is compatible with the locality.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

### **7. RECOMMENDATION**

That the Development Application DA2023/0300 for Redevelopment of Maclean Community Centre – demolish existing building and structures and new signage at 48 River Street be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, for the reasons listed below, and the Clause 4.6 Variation Request under the *Clarence Valley Local Environmental Plan 2011* be endorsed subject to the draft conditions of consent attached to this report at Attachment A.

- The development complies with the Clarence Valley Local Environmental Plan 2011 and relevant Development Control Plan that is applicable to the proposed development, or otherwise acceptable variations as outlined in this report.
- The development is consistent with the objectives of the zone.
- The development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The development is consistent with the objects of the Environmental Planning and Assessment Act 1979.
- Community views were considered as part of the assessment in accordance with the requirements of the Clarence Valley Community Participation Plan and *Environmental Planning and Assessment Act 1979*.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment AA: Response to Comments on Draft Conditions
- Attachment B: Tables of Compliance
- Attachment C: Architectural Plans (Revision C 04/08/2023)
- Attachment D: Clause 4.6 Variation Request – Building Height (02/05/23)
- Attachment E: Shadow Diagrams (23/08/23)
- Attachment F: Elevations and Height Blanket (23/08/23)
- Attachment G: Photomontage
- Attachment H: Statement of Environmental Effects (02/05/23)
- Attachment I: Acoustic Assessment (27/04/23)
- Attachment J: Traffic Impact Investigation (04/08/23)
- Attachment K: Statement of Heritage Impact (28/04/23)
- Attachment L: Draft Wayfinding Strategy & Concepts (13/04/23)
- Attachment M: Landscape Plan
- Attachment N: Stormwater Drainage Plans (30/06/23)
- Attachment O: Stormwater Management Plan (Version 01 02/08/23)
- Attachment P: Flood Assessment (17/02/23)
- Attachment Q: Accessibility Report (24/04/23)
- Attachment R: Preliminary Site Investigation (19/05/22)
- Attachment S: AHIMS Search Result (20/04/23)
- Attachment T: Survey Plan (07/11/22)
- Attachment U: Waste Management Plan
- Attachment V: BCA Report (20/04/23)
- Attachment W: Conflict of Interest Statement (Submitted 04/08/23)
- Attachment X: Independent Peer Review