

ATTACHMENT AA: COUNCIL OFFICER RESPONSE TO APPLICANT COMMENTS ON DRAFT CONDITIONS OF CONSENT

Condition 15:

Detailed plans of all freestanding signs including a site plan showing the location of all signs, footings, elevations with dimensions including structural elements, illumination, colours and final finishes must be submitted to Council for approval prior to issue of the Construction Certificate.

Any illumination of signs must not include up-lighting or flashing lights and must be fitted with a dimmer switch.

Any freestanding sign and structure must not exceed two (2) metres in height.

Applicant Comment	Council Officer Response
Delete "sympathetic to the Heritage Conservation Area" as it is redundant. Council can make a determination at the time whether the signs fit within the context and address the CVC style guide.	Agreed. This wording has been deleted from the Draft Conditions of Consent attached to the Assessment Report.
Delete "any illumination of signs must not include up lighting or flashing lights and must be fitted with a dimmer switch" – suggest that this can be addressed when the detailed plans are submitted. Including this statement prevents discrete limited wattage ground lighting that has not impacts on the surrounds.	Due to surrounding residential dwellings on both River Street and MacNaughton Close, flashing lights or up lighting of signage is considered in appropriate and potentially intrusive. The dimmer requirement has been included for this reason also.

Condition 17:

Contaminated Site Investigation

Prior to issue of Construction Certificate:

- a A Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) are required to be submitted and approved by Council.
- b The required remediation works must be undertaken in accordance with the approved RAP; and
- c A Validation Report must be submitted and approved by Council.

The detailed site investigation must be conducted after demolition.

The detailed site investigation, remediation action plan and validation report must be prepared, or reviewed and approved by an

appropriately qualified and certified environmental consultant, certified by one of the NSW EPA recognized schemes identified in Section 5.6 of Council's Contaminated Land Policy. The front cover of the report must include the details of the consultant's certification.

The detailed site investigation, remediation action plan and validation report must be carried out in accordance with:

- i Council's Contaminated Land Policy,
- ii Managing Land Contamination Planning Guidelines (1998),
- iii Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites, and
- iv National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).

The detailed site investigation, remediation action plan and validation report provided to Council must be accompanied by a report summary, presenting (as a minimum) project background, scope, objectives, key issues, investigation findings, conclusions and recommendations.

The Validation Report must verify that the land is suitable for the proposed use, and that the remediation and validation of the site has been undertaken in accordance with the Approved remediation action plan.

All contaminated site reports provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the Government Information (Public Access) Act 2009.

Applicant Comment	Council Officer Response
Delete "The detailed site investigation must be conducted after demolition." A detailed site investigation has been completed already, with a RAP able to appropriately address any unexpected finds. We also note that a site validation report will be submitted to Council that confirms the site is suitable for its intended use.	<p>A Preliminary Site Investigation has been submitted with the application, which showed levels of lead higher than the accepted level. As there are buildings on the site currently, a detailed investigation is not possible until demolition occurs.</p> <p>The Detailed Site Investigation is required to fully assess the contamination at the site underneath the existing building and to determine appropriate actions from there. This is required both for protection of construction workers and for the suitability of the future use of the site.</p>

Condition 18:

A schedule of all external finishes and colours, sympathetic to the significance and setting of the Heritage Item and/or Heritage Conservation Area, in accordance with the provisions of the Clarence Valley Local Environmental Plan 2011 and Development Control Plan 2011, are to be submitted to, and approved by Council prior to release of the Construction Certificate. The proposed Surfmist roof is to be modified to Zinalume or Galvanised Steel to maintain the consistency of uncoloured metal roofing which prevails within the Heritage Conservation Area.

Applicant Comment	Council Officer Response
<p>Delete "The proposed Surfmist roof is to be modified to Zinalume or Galvanised Steel to maintain the consistency of uncoloured metal roofing which prevails within the Heritage Conservation Area."</p> <p>This should be deleted. We consider that the Heritage Report submitted with the DA confirmed the appropriateness of the material and its complementary appearance within the HCA. The modification that council is requesting will present issues including detracting from the building design which blends into the area, replaces with a material that is less resilient and will require greater higher maintenance costs, and potentially earlier replacement.</p> <p>We strongly recommend that the roof material reviewed and approved as appropriate by Virtus Heritage be retained.</p>	<p>A white roof is not considered appropriate within the Heritage Conservation Area and considered inconsistent with Clause C10 of the Business Zones Development Control Plan.</p> <p>Zinalume has a similar cost and lifespan to Colorbond. However, it is acknowledged that Galvanised Steel is more expensive. Therefore, this wording has been replaced with appropriate mid-grey Colorbond.</p>

Condition 19:

1. Prior to the issue of a Construction Certificate, details of how the following recommendations of the Statement of Heritage Impact, prepared by Virtus Heritage, 28 April 2023, will be reused and/or displayed, must be submitted to Council for approval:
 - a The weatherboard exterior and the brick sub structure on the northern side to be reused.
 - b The curved Wunderlich pressed metal ceiling in the hall and stage.
 - c The original stage lights, although not remarkable appear to be early or original and provide a sense of history in the very plain stage setting.
 - d The former Maclean Shire Council timber sign from 1957.
 - e Items located below the stage storage area.

Applicant Comment	Council Officer Response
<p>Delete Condition.</p> <p>We suggest that this condition be deleted as it conflicts with Condition 31. As the current condition is written, it suggests that all items located beneath the stage will need to be reused or displayed, regardless of significance.</p>	<p>It is considered that Conditions 19 and 31 are complementary.</p> <p>Condition 31 requires the applicant to submit details of how the particular recommendations are to be preserved and protected prior to demolition. This is to ensure these elements are not destroyed during demolition.</p> <p>Condition 19 requires details of how these elements will be reused and/or displayed in the new building.</p> <p>These conditions have been included based on the recommendations by the Independent Peer Review.</p>

Condition 32:

A dilapidation report, prepared by an appropriately qualified person, containing internal and external photographs for the buildings and structures listed below shall be submitted to Council prior to demolition/construction works commencing. This will provide a basis for comparison should any damage occur to these buildings as a result of the demolition/construction works.

The dilapidation report must include the following buildings and structures:

- 2 Wharf Street, Maclean
- 4 MacNaughton Place, Maclean
- 2 MacNaughton Place, Maclean (Court House and Police Station)
- 46 River Street, Maclean (Post Office)
- 44 River Street, Maclean
- 267 River Street, Maclean
- War Memorial on the corner of River and Short Streets
- 4 Short Street, Maclean

- 265 River Street, Maclean
- 261 River Street, Maclean
- 259 River Street, Maclean
- 257 River Street, Maclean
- 255 River Street, Maclean

Applicant Comment	Council Officer Response
<p>Request to delete 10 of the properties listed.</p> <p>This list seems overly excessive, with buildings/places included that are a considerable distance from the proposed works.</p>	<p>Upon further discussion with Council's Building Surveyor, it is agreed that it is reasonable to reduce this list. However Heritage Items should remain in the list for a dilapidation report and the Council Offices should be included.</p> <p>Remove:</p> <ul style="list-style-type: none"> • 259 River Street • 257 River Street • 255 River Street • 4 Short Street <p>Add:</p> <ul style="list-style-type: none"> • 50 River Street

Condition 65:

Suitable evidence is to be provided to Council that a right of way for access has been created over Lot 1 DP821976 and Lot 10 DP813746, or the lots consolidated, prior to the issue of the Occupation Certificate.

Applicant Comment	Council Officer Response
<p>Delete condition.</p> <p>This has already been provided to Council via the planning portal. CVC provided a letter confirming owners consent and approval of the ROW.</p>	<p>This condition is considered reasonable and necessary. Owner's consent is not the same as an approved and completed Right of Way or consolidation.</p>

Condition 67:

Prior to the issue of the Occupation Certificate, 16 bicycle spaces must be installed within the Basement car parking level. All bicycle parking spaces must comply with AS2890.3 (2015), or as amended.

Applicant Comment	Council Officer Response
<p>Request to delete “installed within the Basement car parking level.”</p> <p>There is no issue in providing bicycle parking spaces on the site. However, including 16 spaces within the basement will result in less car parking spaces. We suggest that this condition be re-drafted to ensure that all parking spaces currently proposed remain. We note that in 2021, only 0.8% of Maclean residents rode a bike to work, suggesting that cycling is not a community activity.</p>	<p>Lack of end of trip facilities is a well-established deterrent to cycling, including lack of covered bike parking. While there are spaces shown on the plans for the public open space, under cover spaces are more attractive for those who want to leave their bikes for an extended period of time. Therefore, providing under cover bike parking is considered reasonable and desirable to encourage more people to cycle. The theatre is to have a 297 seat capacity, plus performers, thus providing 16 under cover space is not considered onerous.</p> <p>This is considered in line with the Clarence Valley Council Bicycle Plan 2015 which gives “the aim of promoting walking and cycling as sustainable modes of active transport for short trip destinations and thus also contributing to improving equity, health and the environment within the community.”</p> <p>Furthermore, if bicycle parking is attached to the wall, there is considered ample space within the basement car parking.</p>

Condition 71:

The use of the premises shall not generate offensive or intrusive noise in accordance with the Protection of the Environment Operations Act 1997.

Applicant Comment	Council Officer Response
<p>Request to delete.</p> <p>Not required as is addressed by Condition 64 Plan of Management and Condition 76.</p>	<p>The Plan of Management, required by Condition 64, should indeed show how the premises will not generate offensive or intrusive noise. However, Condition 71 is considered pertinent particularly as there are nearby residents and it is considered appropriate to protect their amenity. It may also become necessary to come back to this condition if there are noise complaints in the future.</p>

Condition 75:

Any interior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation. No flashing, moving or intermittent lighting is permitted on the site.

Applicant Comment	Council Officer Response
Delete "No flashing, moving or intermittent lighting is permitted on the site." This must be deleted as it prevents lighting associated with activities within the hall, for example: Theatre lighting, musical performance lighting, spot lighting of speakers moving around a stage, etc.	Agreed. It is considered sufficient to state that the lighting must not cause nuisance or adverse impacts. This last sentence has been deleted in the draft conditions.

Condition 77:

2. An independent review of operations of the community facility is to be undertaken upon the completion of 12 months of operation by a qualified planner in consultation with a suitably qualified acoustic consultant who is accredited by The Association of Australasian Acoustic Consultants or Australian Acoustical Society. The review is to consider:
- The centre's hours of operation since commencement, in relation to the spread of hours approved
 - usage of the centre by different activities that use sound amplification (eg music, dancing, meetings etc),
 - analysis of any noise complaints received by the Centre Management or Council considering time of day/evening and the type of use of the centre at those times,
 - further local community consultation in relation to noise associated with operation of the centre, and
 - such other matters as recommended by the qualified acoustic engineer.

The outcomes of the review shall be used to inform a revised Plan of Management for the operation of the centre. Where any inconsistency arises between conditions of this consent and the Plan of Management a modification to amend the consent must be sought.

Applicant Comment	Council Officer Response
Request to delete entire condition.	As there are residents nearby, it is considered necessary to require a review for amenity impacts to ensure the longevity of the use of the

<p>Council is replacing an existing community hall with a new hall that is used for essentially the same purposes. There is no need for an onerous review condition for a task that council can conduct as it manages its own asset.</p>	<p>community centre is appropriate for the neighbourhood. Deleting a condition simply because it is a council asset would be considered a conflict of interest. We would expect the same level of amenity whether it is managed by Council or any other entity.</p> <p>Furthermore, this condition is similar to one required by the Treelands Drive Community Centre consent (PPSNTH-174 / DA2022/0237) and is considered appropriate for consistency.</p>
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