

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

Panel Reference and DA Number:	PPSNTH-217 / DA2022/0237
Applicant:	Ben Creighton, Think Planners
Property:	48 River Street, Maclean Lot 1 DP 667217 Lot 8 DP 758631 Lot 9 DP 758631 Lot 1 DP 821976 LOT 10 DP 813746 (Right of Way)
Development Description:	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.
Recommendation:	Approval

Definitions

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Clarence Valley Council 'MUSIC' Guidelines (Draft)

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

TfNSW means Transport for New South Wales.

ITP means Inspection and Testing Plan in accordance with **NRDC**.

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

PWC means Public Works Certificate and includes Section 138 approval under the *Roads Act 1993* and Section 68 approval under the *Local Government Act 1993*.

Advices

1. All building and construction work, which includes subdivision and civil works, which cost \$250,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act, 1986. Value of works must be included on Construction Certificate form.
2. The following approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.
 - a Roads Act 1993 Sections 138 & 139 - approval for works on a road issued by Council,
 - b Local Government Act Section 68 - drainage, water & sewer approval;
 - c Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C.Application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

Conditions of Consent

GENERAL

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

Plan	Drawn by	Plan Date	Drawing No	Revision
Site Plan	Nimbus Architecture + Heritage	04/08/2023	DA-110	G
Basement Plan	Nimbus Architecture + Heritage	04/08/2023	DA-120	G
Ground Floor Plan	Nimbus Architecture + Heritage	04/08/2023	DA-121	F
Second Floor Plan	Nimbus Architecture + Heritage	04/08/2023	DA-122	D
Elevations	Nimbus Architecture + Heritage	04/08/2023	DA-200	D
Elevations	Nimbus Architecture + Heritage	04/08/2023	DA-201	D
Sections	Nimbus Architecture + Heritage	04/08/2023	DA-300	C
Erosion and Sediment Control	Nimbus Architecture + Heritage	08/08/2023	DA-001	C
Landscape General Arrangement Plan	33 Parallel	26/04/2023	L_102	B
Landscape Finishes Plan	33 Parallel	26/04/2023	L_104	B
Landscape Planting Plan	33 Parallel	26/04/2023	L_107	B
Landscape Planting Plan 2	33 Parallel	26/04/2023	L_108	B
The development must be implemented generally in accordance with the documentation listed below which have been endorsed by Council, except where amended by conditions of this consent.				
Report Title	Prepared By	Date	Reference	Revision

Statement of Environmental Effects – Maclean Community Hall and Associated Signage	Think Planners	02/05/2022	-	Final
Traffic Impact Investigation	Roadnet	04/08/2023	TIA Report 001 (Issue 3)	3
DA Acoustic Assessment	Pulse White Noise Acoustics	27/04/2023	230070	R0
Statement of Heritage Impact	Virtus Heritage	28/04/2023	-	1b
Preliminary Site Investigation	Eco Team	19/05/2022	23125	0
BCA Report – Maclean Civic Hall	Atelier Consultancy	20/04/2023	220044	3
Development Application Accessibility Report	Purely Access	24/04/2023	10430DA	02
Draft Wayfinding Strategy & Concepts	Dotdash	13/04/2023	-	B
In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.				

2. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
3. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**. A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) shall be prepared generally in accordance with the BMT Stormwater Management Plan Version 01, dated 2 August 2023.

The Stormwater Management Plan must provide hydraulic analysis of the proposed augmented stormwater drainage network and demonstrate that the downstream stormwater drainage network has capacity within the system to accept flows from the proposed development. This shall consider existing upstream and downstream catchments and be assessed using appropriate stormwater modelling software as prescribed by **NRDC**.

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

4. Accessible grades and paths of travel are to be provided from carparking bays through to the main entrance of the building in accordance with AS1428.1 and the Building Code of Australia.
5. Backflow prevention devices shall be provided to protect the drinking water supply in accordance with AS/NZS3500.

PRIOR TO THE ISSUE OF THE PUBLIC WORKS CERTIFICATE

6. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **PWC** has been issued by Council and/or accredited private certifier.

A private certifier who issues a **PWC** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

7. The **PWC** must be issued by Council prior to the issue of a Construction Certificate.
8. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council with the application for a **PWC**. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act 1993.
9. A detailed Erosion and Sediment Control Management Plan must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **PWC** for the relevant stage. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public/private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.
10. Detailed Design Plans of Loading Zone on River Street must be submitted for Council approval with the application for a **PWC**. Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans, AS2890 and **NRDC**.

Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act 1993.

11. An **ITP** must be submitted for approval with the application for a **PWC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- b Erosion & Sedimentation Controls
- c Roadworks
- d Stormwater Drainage
- e Other Services
- f 'On Maintenance' (Public Infrastructure)
- g 'Off Maintenance' (Acceptance of Public infrastructure by Council)

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

12. No construction is to be commenced until a Construction Certificate has been issued.
13. Prior to the issue of the Construction Certificate, details of how the development shall be lit to achieve compliance with Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines must be approved by Council. This must include location, types and energy efficiency of lighting devices.
14. Prior to the issue of a Construction Certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that detail Acoustic measures as identified/recommended in the Acoustic Report prepared by Pulse White Noise Acoustics dated 27 April 2023.
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.

16. A detailed plan of the proposed driveway including longitudinal sections, cross sections, road levels, garage levels, earthwork batters, retaining walls,

property boundaries and other site specific considerations must be submitted for approval with the Construction Certificate to demonstrate that access to the development is provided in accordance with **NRDC**.

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.

- 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 Zincalume or mid-grey Colorbond to maintain the consistency of uncoloured metal roofing which prevails within the Heritage Conservation Area.

19. 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.
20. Prior to the issue of a Construction Certificate details of crime prevention measures shall be provided to and approved by the Principal Certifier. This is to include the installation of Closed-Circuit Television (CCTV) and lighting in accordance with the Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer by Design' guidelines.
21. Prior to the Construction Certificate plans drawn to a scale of 1:50 detailing all food and drink related areas shall be provided to and approved by Council. Plans are to include:
 - a Floor plan and elevations;
 - b Layout of kitchen, bar and all equipment;
 - c All internal finish details including floors, wall, ceiling and lighting;
 - d Hydraulic design and /or method of disposal of trade waste; and
 - e Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.
22. An application to discharge liquid trade waste to Council's sewerage system shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.
23. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office. Full hydraulic details prepared by a hydraulic engineer shall accompany that application.
24. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.

PRIOR TO WORKS COMMENCING

25. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
26. **Construction Environmental Management Plan**
Prior to Commencement of any demolition works a Construction Environmental Management Plan (CEMP) for the development must be provided to Council for approval.

The CEMP must be prepared, or reviewed and approved by a consultant certified by an NSW EPA recognized certification scheme.

The CEMP must include management strategies for the potential risks to on-site workers and visitors, off-site receptors, and the environment from the contamination identified in the Preliminary Site Investigation (PSI) prepared by Ecoteam (19/05/2021) and unexpected finds protocol.

The environmental site management measures must remain in place and be maintained throughout the period of the development until the remediation has been validated.

The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following:

- a Asbestos Management Plan
- b Project Contact Information
- c Site Security Details
- d Timing and Sequencing Information
- e Site Soil and Water Management Plan
- f Detailed Construction Noise and Vibration Control Plan
- g Dust Control Plan
- h Air Monitoring
- i Odour Control Plan
- j Health and Safety Plan
- k Waste Management Plan
- l Incident Management Contingency
- m Unexpected Finds Protocol

The CEMP must be kept on site and adhered to from the commencement and for the duration of the proposed works and must be available to Council officers upon request.

A suitably qualified and experienced environmental consultant must be employed to supervise the implementation of the contaminated sites aspects of the development in accordance with the relevant parts of the approved CEMP for each phase of the development.

Details (including contact details) of the environmental consultant employed to oversee the contaminated sites aspects of the development must be submitted to Council before any works are to commence on site.

The CEMP 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.

27. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures. The Work Plan must include the following information (as applicable):

- a The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor

- b Details of hazardous materials, including asbestos
- c Method/s of demolition and removal of asbestos
- d Measures and processes to be implemented to ensure the health & safety of workers and community
- e Measures to be implemented to minimise any airborne asbestos and dust
- f Methods and location of disposal of any asbestos or other hazardous materials
- g Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- h Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifier (PC) if the Council is not the PC, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant SafeWork NSW licences and permits.*

- 28. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.
- 29. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy and the relevant requirements of SafeWork.
 - a Work Health and Safety Act 2011 and associated regulations
 - b SafeWork NSW Code of Practice - How to Safety remove Asbestos
 - c Australian Standard 2601 (2001) - Demolition of Structures
 - d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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

- 30. An archival report of the extant former Mechanics Institute building on the subject land, shall be prepared by a suitably qualified person in accordance with the OEH publication 'How to Prepare Archival Records of Heritage Items.' Digital copies shall be submitted to Council prior to commencement of demolition.
- 31. Prior to the demolition, details of how the following recommendations of the Statement of Heritage Impact, prepared by Virtus Heritage, 28 April 2023, will be preserved and protected, 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.
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
 - 50 River Street, Maclean
 - 267 River Street, Maclean
 - War Memorial on the corner of River and Short Streets
 - 265 River Street, Maclean
 - 261 River Street, Maclean
33. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by **TfNSW** to prepare **TCPs** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
34. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community. As a minimum, the CMP must address the following areas:

Health and Safety

Environment

- a Air quality management;
- b Erosion and sediment control - base information, monitoring and management;
- c Waste management;
- d Material stockpiling;
- e Vegetation management;
- f No go zones;
- g Soil Contamination - an Unexpected Find Procedure/s in the unlikely event that Asbestos Containing Material or Contamination is discovered, disturbed or occurs during the works;
- h Heritage management including an Unexpected Find Procedure/s in the unlikely event that any items of Aboriginal or non-Aboriginal Heritage is discovered, disturbed or occurs during the works;

Quality

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

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

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

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

35. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:

- a Preserve and protect the building from damage; and
- b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the

Construction Certificate and certified by a professional engineer or an accredited certifier.

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

36. The existing commemorative plaque must be removed before demolition and preserved until it can be refixed to the new building.
37. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifier for the work.

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

DURING WORKS

38. Only a Safework NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10 m² of bonded asbestos (or as otherwise specified by SafeWork NSW or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
39. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
40. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
41. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No

burning of waste materials shall occur.

42. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
43. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued.
44. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
45. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
46. During the construction and fit-out of the kitchen/food premises periodic inspections may be arranged with Council's Environmental Health Officer to ensure compliance with the approved kitchen/food premise fit-out plans, all health-related conditions of approval and respective legislation.
47. During demolition and construction the provisions of the *NSW Heritage Act 1997* must be complied with in relation to the exposure of relics including:
 - a. If a relic is suspected or there are reasonable grounds to suspect a relic in the ground, that is likely to be disturbed, damaged or destroyed by excavation; and/or,
 - b. Any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation; those responsible for the discovery must notify nominated personnel who will in turn notify the Heritage Council of NSW or its delegate the Office of Environment and Heritage and Heritage NSW Heritage Branch and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss 139,146).
48. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

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

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

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

50. Toilet Facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a A standard flushing toilet, connected to a public sewer, or
 - b An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

51. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
52. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
53. Prior to release of the Occupation Certificate, the development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines.
54. Where the approved acoustic report recommends acoustic treatments, an acoustic implementation report from a suitable qualified person who is accredited by The Association of Australasian Acoustic Consultants or Australian Acoustical Society must be submitted to Council prior to the issue of the Occupation Certificate.

The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated in accordance with the approved acoustic report.

55. A fully dimensioned and notated work as executed sewer drainage and storm

water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.

56. The developer must design and construct all civil works, in accordance with **NRDC** and the approved **PWC**. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the issue of an Occupation Certificate. The Council will hold a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.
57. Prior to the release of an Occupation Certificate, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
58. In accordance with **NRDC** and prior to the issue of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
59. Prior to the issue of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development.

All Council infrastructure work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if an Occupation Certificate approval is delayed beyond the maintenance period.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.

Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.

60. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of the works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated

in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.

61. Fire Safety Certificate

Submission of a Fire Safety Certificate to the Principal Certifying Authority prior to the issue of an Occupation Certificate. A copy of the Fire Safety Certificate shall be provided to the Commissioner of the NSW Fire Brigades by the owner of the building and to Council where the Council is not the Principal Certifying Authority. The Fire Safety Certificate is also to be prominently displayed in the building. During occupation and ongoing use of the building, the owner must provide an annual fire safety statement to Council and the Commissioner of the NSW Fire Brigades in accordance with Clause 88 of the Environmental Planning and Assessment Regulation (Development Certification and Fire Safety) 2021.

62. Heritage Interpretation Strategy

A Heritage Interpretation Plan is to be prepared by a suitably qualified person to identify significant themes and narratives for interpretation, and identify locations, media and indicative content for interpretation of the site. Detailed drawings of interpretation devices, and content for the subject site are to be submitted to and approved by Council prior to approval of the Occupation Certificate. The Draft Wayfinding Strategy and Concepts, prepared by Dotdash and dated 13/04/2023, may form part of this strategy but does not fully address the interpretation of the site.

63. All relevant aspects of the approved Heritage Interpretation Plan must be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

64. Prior to the issue of the Occupation Certificate, a Plan of Management for the operation of the use shall be submitted to and approved by Council. The Plan of Management must detail mitigation and management measures of potential social impacts, including (but not limited to):

- a Noise Management Plan detailing compliance with Condition 76.
- b Implementation of complaints and issues management procedures, including:
 - i. Central location for ensuring all complaints are properly recorded and tracked.
 - ii. Transparent internal complaints management procedure.
- e Installation of signage to remind patrons to be mindful of the neighbourhood in outdoor areas and entries/exits.
- f Ongoing use of loading and unloading operations including signage displaying loading zone hours in each of the three loading zones, including compliance with Condition 72.
- g Procedures for managing waste.

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.

66. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the DA approved plan prior to Occupation Certificate. The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles, with the exception of those spaces marked for small cars on the Basement Plan DA-120.
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.
68. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.
69. The existing commemorative plaque must be refixed to the new building before the issue of the Occupation Certificate.

OPERATIONAL CONDITIONS

70. The use of the premises must comply with the Plan of Management required by Condition 64.
71. The use of the premises shall not generate offensive or intrusive noise in accordance with the Protection of the Environment Operations Act 1997.
72. The loading zone located at 50 River Street Maclean (Lot 1 DP821976 and Lot 10 DP813746) shall only be operated outside the hours of 8:30am to 4:00pm weekdays.
73. Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
74. Any illuminated signage must be switched off by 10:00 pm on any day of the week, unless the building is in use. If the building is in use any illuminated signage must be switched off by 12:00 am (midnight).
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.
76. All recommendations contained in the noise impact assessment report River Street Community Precinct DA Acoustic Assessment prepared by Pulse White Noise Acoustics, 27 April 2023, must be implemented and maintained during the operation and life of the development. Where there is any inconsistency between the conditions and Acoustic Assessment, the conditions will prevail.

The hours of operation of the Maclean Community Centre are limited to 7am-12am (midnight) on any day of the week, in accordance with the Noise Impact

Assessment prepared by noise impact assessment report River Street Community Precinct DA Acoustic Assessment prepared by Pulse White Noise Acoustics, 27 April 2023. Any event and occupation of the facility must be arranged and managed to ensure events have ceased and staff and patrons have left the facility prior to midnight.

All doors and windows are to remain shut, regardless of the patron numbers:

- after 9:00pm and not left open before 7:00am from Sunday to Thursday
- after 10:00pm and not left open before 7:00am from Friday to Saturday

A contact number must be displayed for the purposes of receiving any complaints if they arrive.

Signs must be displayed at all exits reminding patrons to be mindful of noise when leaving the venue

77. 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.

78. Should a complaint be received by Council and the noise determined to be "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*, the applicant shall engage a suitably qualified acoustic consultant who is accredited by The Association of Australasian Acoustic Consultants or Australian Acoustical Society at their expense to prepare a Noise Impact Assessment (NIA) and recommend reasonable and feasible methods of attenuation to be undertaken if deemed necessary. The operator/owner is to implement the recommendations of the NIA within a timeframe specified by Council's authorised officer.
79. Any premises that is part of the food business used for the storage, handling or sale of food shall meet the requirements of the *Food Act 2003* and *FSANZ Food Safety Standards*.

80. All liquid trade waste from the kitchen shall discharge through a 1500L grease arrestor. The grease arrestor shall be installed in accordance with AS/NZS3500, the Plumbing Code of Australia and Council requirements. It shall be located in an area that enables safe and unrestricted access for the pumpout service provider and Council inspectors.
81. A basket arrestor shall be provided in the floor waste in the waste room. Drainage from the waste room to discharge through the grease arrestor.
82. All sinks and floor wastes in food preparation areas shall contain basket arrestors.
83. Chemical and oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.