

# Maclean Community Centre Redevelopment



### DA2023/0300 Report Peer Review

Prepared for the Northern Regional Planning Panel and Clarence Valley Council

by MikeSvikisPlanning

25 August 2023

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Rev No	Author	Approved for issue	
Revino		Signature	Date
A	Mike Svikis	M. Sales	25 August 2023

### **Executive Summary**

The purpose of this report is to provide an independent peer review of the final development assessment report prepared by Clarence Valley Council (CVC) for the proposed Maclean Community Centre (DA2023/0300).

The proposed development is consistent with the relevant strategic documents including the *Clarence Valley Council Local Strategic Planning Statement* (2020), the Community Strategic Plan – *The Clarence 2032*, and the *Clarence Valley Council Operational Plan 2023/24*. It is Operational land and is not subject to a site-specific or generic plan of management. It has been identified as a desired outcome in Council strategic planning since at least 2017.

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). It is agreed that the demolition and construction of a building for the purposes of a community facility is permissible with consent in the E1 zone.

The Council report outlines that the development is compliant with the zone objectives and General Controls and Development Standards in LEP 2011, except for building height. Clause 4.3 Height of buildings – maximum height on the Height of Buildings Map is 9 metres. The proposal is for a maximum height of 13.745 metres. A variation pursuant to clause 4.6 of LEP 2011 is required.

It is agreed that the variation in height is substantial (52.7%), but it is warranted in this case. The proposed roof line is sympathetic to the Heritage Conservation Area; the height allows for basement car parking; and the building design responds to the slope of the land. The performance space within the community centre has a high ceiling for its acoustic properties and to allow for tiered seating. The tall roof line facing the river is an architectural feature of value.

It is agreed that the development is compliant with relevant SEPPs. It is agreed that the development is compliant with the Clarence Valley Development Control Plan. The Table of Compliance attached to the Council report demonstrates compliance with key controls such as heritage conservation, streetscape, car parking spaces, disability parking spaces, traffic impacts, flooding, signage and waste management.

The Council report adequately addresses the merit of the application and its likely impacts. It is agreed that the site is suitable for the proposed use and that subject to the proposed conditions, it will have minimal negative impacts on surrounding land use or the wider community.

The Council report identifies eight (8) submissions received from the public exhibition of the development application: four (4) in favour, three (3) against, and one (1) in support subject to concerns. Key concerns raised in submissions are: concerns about the cost of development; noise impacts on residents, both during construction and during operation of the centre; impacts on neighbouring residents during construction, including "pollutants and dust exhaust fumes"; privacy of immediate residents/overlooking of private open space on MacNaughton Place; potential damage on surrounding infrastructure due to construction; design of building; issue with seating capacity; speed of vehicles on MacNaughton Place; video surveillance needed for anti-social behaviour; and night security lighting impacts on neighbours.

The Council report and proposed conditions adequately address the concerns and issues raised in submissions.

The conditions proposed for the development are relevant and reasonable. A few matters are recommended to be added or altered. Subject to some minor changes, the conditions are supported.

The Council recommendation to approve the development subject to conditions is supported.

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### 1 PURPOSE OF THIS REPORT

The purpose of this report is to provide an independent peer review of the development assessment report prepared by Clarence Valley Council (CVC) for the proposed Maclean Community Centre (DA2023/0300). The street address is 48 River Street Maclean. The CVC report was prepared by M Dougherty and was supplied on 11 August 2023. The architectural plan set is dated 4/08/23 with multiple revision identifiers (B, C, D, F and G). Additional plans illustrating existing and proposed building heights and shadow diagrams were supplied on 23 August 2023. The conditions were supplied by email on 16 August 2023.

The development is for demolition of the existing Maclean community centre and ex civic centre, and 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 applicant is Think Planners on behalf of CVC as the land owner.

This report is not intended to be a full reassessment of the CVC development assessment report. It will review the CVC report and recommendations in a strategic, statutory and site-specific merit context. It will also review the submissions and recommended conditions prepared by CVC.

Mike Svikis is an independent consultant planner and does not have any conflict of interest in relation to this project (actual or perceived). I am currently not engaged by CVC on any other planning projects. This report has been prepared with the utmost probity to ensure that the outcome is of a high standard and can be relied upon by the Northern Regional Planning Panel.

Mike Svikis inspected the subject land on 22 August 2023.

### 2 STRATEGIC MERIT

All of the subject land that comprises 48 River Street Maclean is owned by CVC and is classified as Operational land under the *Local Government Act 1993*. No site-specific or generic plan of management applies.

### 2.1 Clarence Valley Council Local Strategic Planning Statement 2020

The Local Strategic Planning Statement (LSPS) was adopted in 2020, and provides a broad strategic framework that sets the direction for land use planning in the Clarence Valley for the next 20 years. It includes priorities to manage growth and development, and to protect our environment and the character of our spaces and places.

<u>Comment</u>: This project is consistent with Priority 5 – *Provide for healthy, safe and well connected communities, particularly providing for social infrastructure* (page 34).

### 2.2 Community Strategic Plan – The Clarence 2032

Prepared in 2022, *The Clarence 2032* is a ten-year plan that sets out a long-term plan for a range of issues. It states that "[You told us you wanted] a community in which cultural assets and public art are valued and one that plays a role in celebrating local arts as well as bringing innovative opportunities to the Clarence Valley" (page 26); and "well-maintained facilities and amenities that serve the needs of a growing residential population and visitors to the area" (page 32).

<u>Comment</u>: This project will deliver a modern, multipurpose community centre and is consistent with the Clarence Valley Community Strategic Plan 2032.

#### 2.3 Clarence Valley Council Operational Plan 2023/24

Updated each year, this plan states that Council has budgeted \$13.6 million to "commence construction of the Maclean Cultural and Community Precinct" (page 21). The plan also refers to project management of the construction phase.

<u>Comment</u>: This project is consistent with the CVC Operational Plan 2023/24.

### 3 STATUTORY COMPLIANCE

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). It is agreed that the demolition and construction of a building for the purposes of a *community facility* is permissible with consent in the E1 zone.

community facility means a building or place-

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

<u>Comment</u>: The Council report outlines that the development is substantially compliant with the zone objectives and General Controls and Development Standards in LEP 2011. I agree that the development is compliant other than for building height. Clause 4.3 Height of buildings – maximum height on the Height of Buildings Map is 9 metres. The proposal is for a maximum height of 13.745 metres. A variation pursuant to clause 4.6 of LEP 2011 is required and has been supplied.

It is agreed that the variation in height is substantial (52.7%), but it is warranted in this case. The proposed roof line is sympathetic to the Heritage Conservation Area; the height allows for basement car parking; and the building design responds to the slope of the land. The performance space within the community centre has a high ceiling for its acoustic properties and to allow for tiered seating. The tall roof line facing the river is an architectural feature of value.

The existing building has a façade along River Street that presents at its northern end as 9.7 metres in height and has minimal heritage compatibility. The proposed River Street façade will present as being less than 9 metres in height (Figure 1).

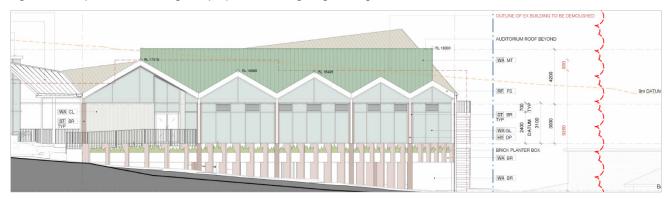


Figure 1: Comparison of existing and proposed building height along River Street

The main area where the building breaches the 9 metres is over the auditorium and over the rear function room. The 9-metre height blanket shown in Figure 2 illustrates those parts of the proposed building that exceed the 9-metre standard. Larger versions of these plans are at Appendix A.



Figure 2: The 9-metre height blanket shows (in white) the areas where the proposed building exceeds 9 metres

Shadow diagrams (dated 23.08.23) show no adverse solar impacts on neighbouring land uses such as dwellings and private and public open space at the winter or summer solstice (Appendix B). The opportunity for overlooking the neighbours is minimal due to existing landscaping.

The applicant provides an adequate objection to the height of building standard. The variation allows a functional community building that has architectural merit. The variation is in the public interest.

It is agreed that the development is compliant with relevant SEPPs.

It is agreed that the development is substantially compliant with the Clarence Valley Development Control Plan:

- Part C General Development Controls for Business Zones (justified inconsistency with clause C6 – Building Height),
- · Part E Heritage Conservation,
- · Part F Parking and Vehicular Access Controls,
- · Part H Erosion and Sediment Control,
- · Part I Subdivision and Engineering Standards, and
- · Part O Maclean Town Centre Controls: Precinct 5 The Civic Precinct.

The Table of Compliance attached to the Council report demonstrates compliance with key controls such as heritage conservation, streetscape, car parking spaces, disability parking spaces, traffic impacts, flooding, signage and waste management.

### 4 SITE-SPECIFIC MERIT

## (i) The natural environment (including known significant environmental values, resources or hazards) and heritage

The subject land contains the existing civic centre, car parking, access and landscaping. It has minimal environmental values.

The subject land is relatively elevated and is not identified as being within a flood planning area based on the design flood event (1% AEP). It is slightly affected in one corner by the Probable Maximum Flood (PMF). The maximum 1-in-100 AEP flood level experienced on site is between 3.65 metres and 3.75 metres AHD. Therefore, the Flood Planning Level (FPL) for habitable floor levels on site is 4.25 metres AHD. The PMF level is between 5.08 metres and 5.2 metres AHD. The proposed development has a ground floor level of 11 metres AHD and a basement level of 7.35 metres AHD. The development site is isolated in floods as Maclean becomes an "island" but overall, flooding is adequately addressed by the development design.

A preliminary site investigation indicates that the site may be contaminated by past land use. Non-volatile and semi-volatile hydrocarbons are present at the site; however, these levels were well below the adopted guideline values. Results identified guideline exceedances of the adopted Ecological Investigation Levels (EILs) for copper, and zinc at one sampling location. All other metals were below EIL values. These metals are unlikely to cause concern to the surrounding environment and will not cause harm to future visitors or staff at the site.

Laboratory results indicated guideline exceedance of the adopted Health Investigation Levels (HILs) for lead at one sampling location; all other analytes were below HIL values. Statistical analysis of results concludes that the Area of Environmental Concern (AEC) may present an unacceptable risk and therefore, further sampling is required to determine if contamination is present at the site. If contamination is present then the site will require remediation or further management. This is addressed by conditions that will require further testing (and potentially, remediation) after demolition but before construction.

The building is not a listed heritage item; however, it is located within the Heritage Conservation Area (HCA) for Maclean and within the vicinity of local heritage items such as the Post Office and Court House/Police Station. The existing building has heritage significance at a local level for its historical values, associational and social values, research and representative values. However, the Statement of Heritage Impact (SOHI) found that there have been significant previous detrimental additions and modifications to the building, particularly the removal of the original façade and replacement with a two-storey tiled wall facing River Street. The current building has no link or views to either the Clarence River or to the centre of Maclean and as a civic hall, these are detrimental attributes. Alternative designs that retained the core heritage building some heritage significance) to be kept, the issue has remained that the current hall is unsuitable for its primary purpose as a community hall and performance space. There were so many changes that needed to be made for access to the building, to the stage area, audience seating and especially the acoustics, which were reportedly unsatisfactory. Demolition is supported subject to conditions addressing the following:

- a) The weatherboard exterior and the brick sub structure on the northern side appear to be early or original and 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 appear to be early or original and provide a sense of history in the very plain stage setting.
- d) There are likely to be items in the below stage storage area, as well as the former Maclean Shire Council timber sign from 1957, that would have historical or heritage significance and will need to be retained for display.

These matters need to be included in the proposed conditions.

The subject land does not contain an item of Aboriginal heritage according to the AHIMS website. Although the site is highly disturbed, appropriate caution should be implemented to avoid any impact on Aboriginal heritage should it occur on the site.

#### (ii) The existing uses, approved uses and likely future uses of land in the vicinity of the proposal

The subject land is located in an area that currently contains a mix of community facilities and services such as the CVC Council chambers and offices, Maclean Post Office, Court House and Police Station plus a Telstra depot and tower. Land uses across River Street include a medical centre, a dwelling, and a church being used as an op shop. The proposed development is within walking or cycling distance to many of the residential areas of Maclean. It is well located to service the town of Maclean and the Lower Clarence community.

The proposed development varies in height responding to the sloping land on which it is located. The design is consistent with neighbouring heritage land uses and compatible with the small number of dwellings in the locality.

It includes a 40-space basement car park that will be accessed via MacNaughton Place. This car park results in a net increase of 28 car spaces in the locality, which is positive. This will add traffic to this locality during events, etc, but the traffic impact assessment notes that road widths and intersections can handle this extra traffic. The impact on dwellings in MacNaughton Place will not be excessive.

Noise impacts on the dwellings in MacNaughton Place are a key issue, particularly with the River Function room that has a deck and windows that open. A range of conditions are included that address both construction and operational noise. A review of acoustics after 12 months of operation is also included. Implementation of these conditions should ameliorate the impacts of noise on neighbours.

## (iii) The services and infrastructure that are or will be available to meet the demands arising from the proposal

The site has existing connections to reticulated water and sewerage that can be used for the proposed development. It also has existing mains power and telecommunication connections.

A stormwater management plan has been prepared that reduces post-development flows by 11% compared to existing flows, despite impervious surfaces increasing from 57% to 78%. This is achieved mainly through the installation of 2 x 20-kilolitre rainwater tanks that will be plumbed to toilets and used for outdoor watering. They will supply approximately 10% of on-site water use.

Stormwater quality standards will be achieved by multiple water sensitive urban design measures such as a Gross Pollutant Trap (GPT), roof water into rainwater tanks and the installation of an Ocean Protect StormFilter treatment system with 7 x 690 Psorb cartridges. Council's reduction targets for Total Suspended Solids, Nitrogen, Phosphorous and Gross pollutants are all predicted to be achieved. Stormwater, after detention and treatment, will exit the site via multiple existing and proposed stormwater pits.

Vehicle access will be via MacNaughton Place to the main building entrance. A loading zone on River Street will be created so that a bus can pull up and collect or deliver patrons to use a pedestrian entrance on this side of the community centre. A loading zone will also be located off MacNaughton Place. Passenger drop off is also available off MacNaughton Place. Two disability car spaces and three EV recharge car spaces are provided. Bicycle racks to accommodate at least 16 bicycles are to be located in the basement car park. Internal circulation is adequate for B99 vehicles, and parking for both cars and bicycles exceeds the minimum requirements.

The predicted traffic attributable to the proposed development is estimated to be an additional 42 vph during the peak hour, with an estimated existing background peak hour of 90 vph. This is not significant as it is within the capacity of the road network. No alterations to intersections are warranted. The proposed development is expected to have a negligible impact on road safety in the surrounding road network. A public bus service is located on River Street and a bus stop is located near the frontage to the subject land.

<u>Comment</u>: The Council report adequately addresses the merit of the application and its likely impacts. It is agreed that the site is suitable for the proposed use and, subject to the proposed conditions, it will have minimal negative impacts on surrounding land use or the wider community. The site has adequate services and infrastructure to accommodate the proposed development.

### 5 SUBMISSIONS

The Council report identifies eight (8) submissions received from the public exhibition of the development application: four (4) in favour, three (3) against, and one (1) in support subject to concerns. Key concerns raised in submissions are:

- · Concerns about the cost of development
- · Noise impacts on residents, both during construction and during operation of the centre
- · Impacts on neighbouring residents during construction, including "pollutants and dust exhaust fumes"
- · Privacy of immediate residents/overlooking of private open space on MacNaughton Place
- · Potential damage on surrounding infrastructure due to construction
- · Design of building
- Issues with seating capacity
- · Speed of vehicles on MacNaughton Place
- · Video surveillance needed for anti-social behaviour
- Night security lighting impacts on neighbours
- <u>Comment</u>: Issues such as the project funding arrangements or how Council will pay for the project are valid but are not matters that can be considered as issues of merit under the *Environmental Planning and Assessment Act 1979*.

Noise impacts on nearby dwellings during construction will be limited by work hours (and days). Operational noise can also be managed with hours of operation and times when the community centre windows can be open. It is intended that noise issues will be monitored once operational, with the option of further controls if required.

Dust and fume impacts will be greatest during demolition and site preparation. Conditions to control impacts are included in the consent. Particular attention will be given to safe asbestos removal (if present on the site).

Privacy impacts are limited by existing dense landscaping along the MacNaughton Place frontage.

Potential damage to other buildings will be addressed by a dilapidation report. Any verified damage will be Council's responsibility to repair.

The building has been designed to be functional (eg 297-tiered-seat auditorium), practical (eg basement car parking) and consistent with the surrounding buildings and historical themes of the locality (eg Scottish history of the town). It responds to the slope of the land while still taking advantage of river views.

A 297-seat auditorium will enable both local and touring events (music, theatre, dance, etc) to perform at Maclean. The size is comparable to the Byron Bay Community Centre (250 seats) or Brunswick Heads Picture House (240 seats), which both service small communities with a wider catchment area. The air-conditioned and tiered seating will provide a significantly improved experience to the current flat seating in the Maclean Civic Hall. Council first considered investigating options for development of a Maclean Community Precinct in 2017. The concept was focused on delivering improved community services within the area through a unified space. The conceptual design was influenced through extensive community consultation conducted in 2018/2019 to ensure it reflected the needs of the community.

MacNaughton Place provides access to the Maclean Police Station and Court House, and the regular Police presence and the narrow, winding road are existing deterrents to speeding. Traffic calming devices (eg speed humps) could be added later if this proves to be an issue.

Video surveillance and night lighting for security are valid concerns. The regular Police presence in MacNaughton Place will assist in reducing crime. Council conditions require 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. This must include location, types and energy efficiency of lighting devices. A proposed condition also requires that 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.

Overall, the Council report and proposed conditions adequately address the concerns and issues raised in submissions.

### 6 CONDITIONS

The conditions proposed for the development are relevant and reasonable. A few matters that are recommended to be added or altered are as follows:

- The consent needs to clearly state a brief description of the proposal such as the following text:

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, 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.

 The consent conditions need to have the following Northern Regional Planning Panel summary table at the front:

PANEL REFERENCE & DA NUMBER	[Panel Ref Number] – [DA#]
PROPOSAL	[brief description]
ADDRESS	Lot ## DP ## [Street Address]
APPLICANT	
APPLICATION TYPE (DA, Concept DA, MOD, Integrated, Designated)	

- Condition 16 references the need for additional site contamination investigation. It needs to be made clear that this can only take place after demolition (and before issuing the CC).
- Condition 29 references a dilapidation report for nearby buildings. This needs to identify by street address each building, rather than identify some and then refer to a 50-metre radius for other buildings.
- Condition 44 or the relevant heritage condition needs to include:
  - a) The weatherboard exterior and the brick sub structure on the northern side appear to be early or original and 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 appear to be early or original and provide a sense of history in the very plain stage setting.
  - d) There are likely to be items in the below stage storage area, as well as the former Maclean Shire Council timber sign from 1957, that would have historical or heritage significance and will need to be retained for display.
- Condition 63 currently states "All car parking spaces must be accessible by B99 vehicles." Plans show that eight (8) basement spaces are for small cars only, which is reasonable, except that this does not comply with B99 standards. It is recommended that the text be changed to "All car parking spaces must be accessible by B99 vehicles, except those marked for small cars."
- A new condition should be added that requires racks for bicycles in the basement car park (or nearby) which can accommodate 16 bicycles. No bike racks are currently included in the plans. The DCP does not require them, but it makes sense to have them.

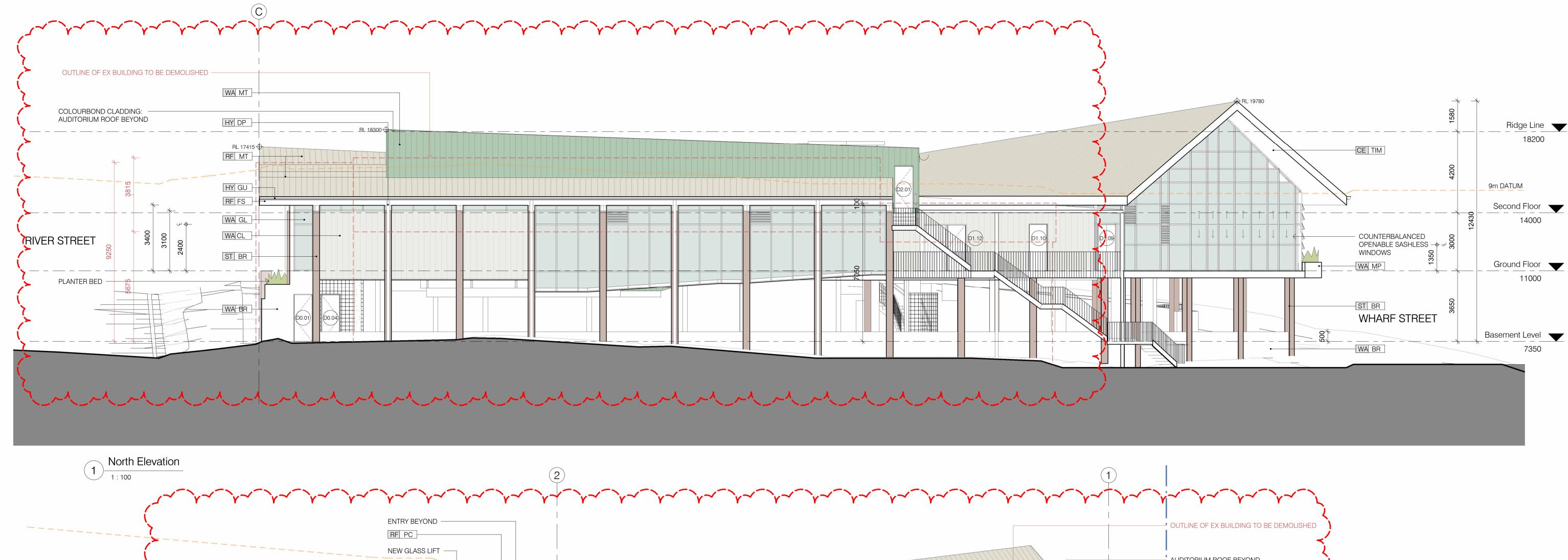
<u>Comment</u>: Subject to the above recommended changes, the conditional approval of the DA is supported.

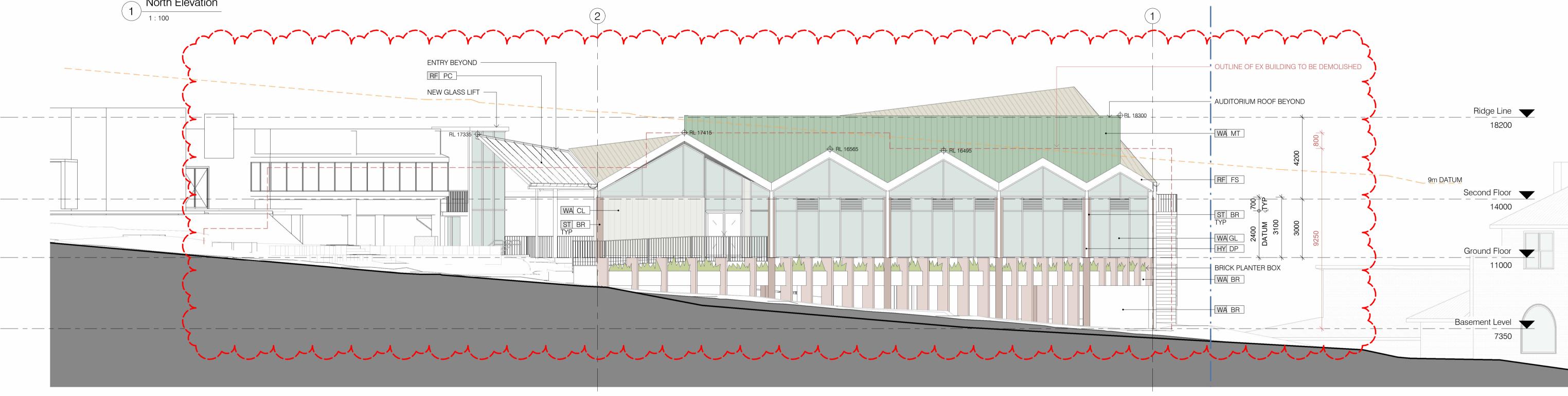
### **APPENDICES**

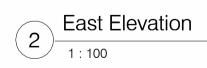
- Appendix A: Elevations showing existing buildings and 9-metre height blanket
- Appendix B: Shadow diagrams for winter and summer solstice

## APPENDIX A

Elevations showing existing buildings and 9-metre height blanket



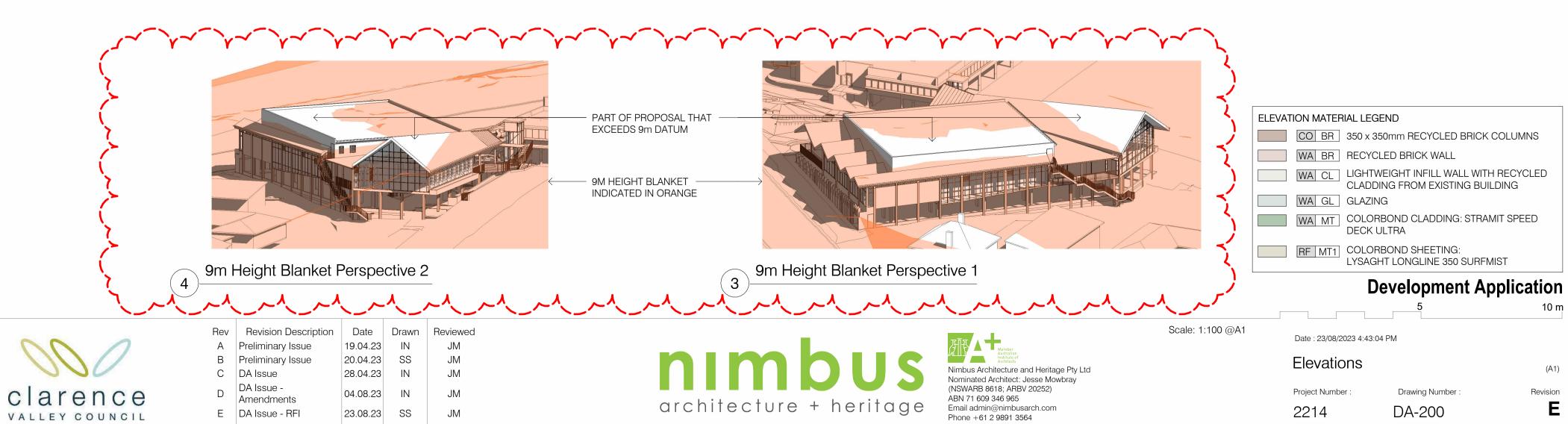




River Street Community Precinct48 River Street, Maclean 2463For :Clarence Valley CouncilProject Status:Development Application

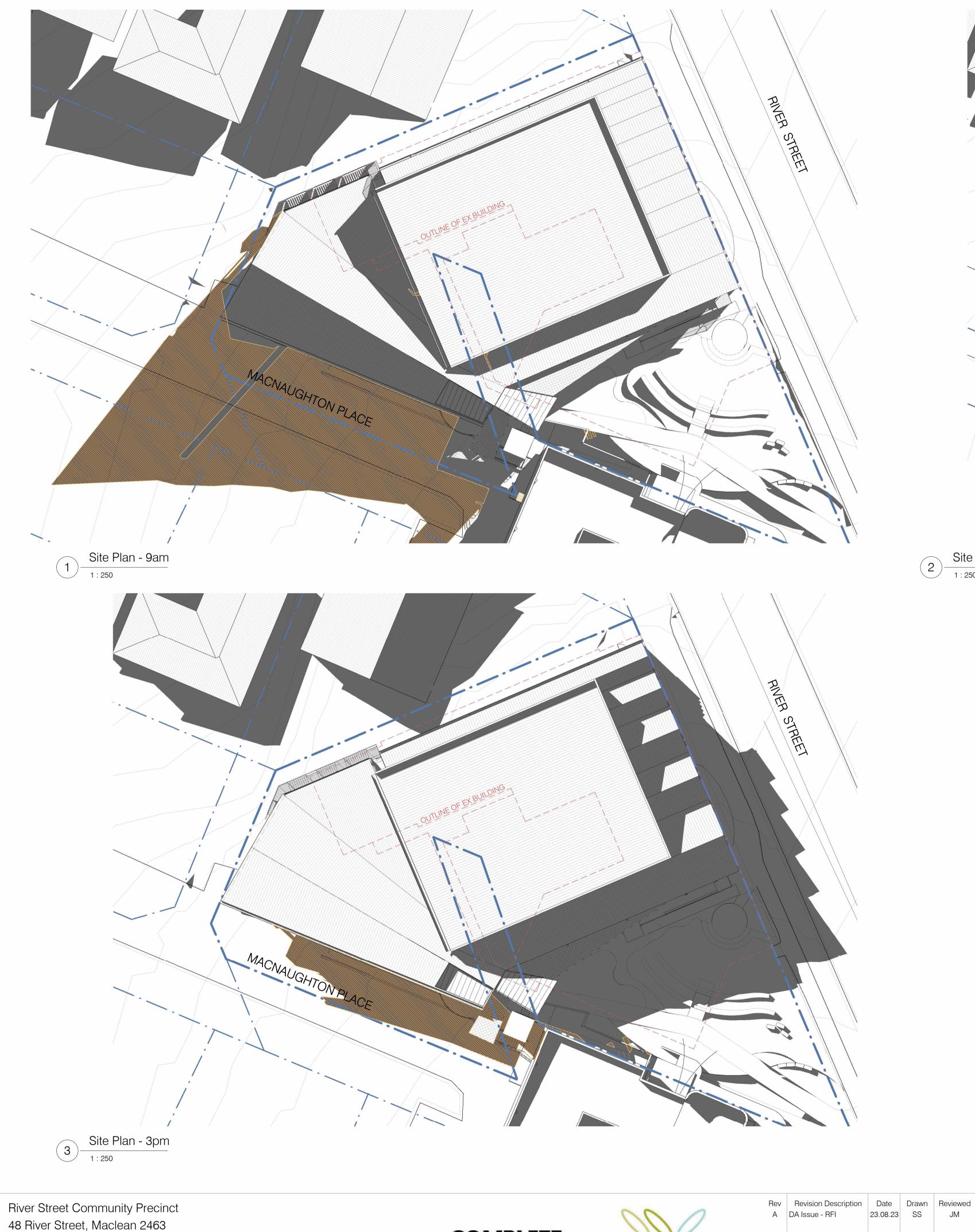


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## APPENDIX B

Shadow diagrams for winter and summer solstice



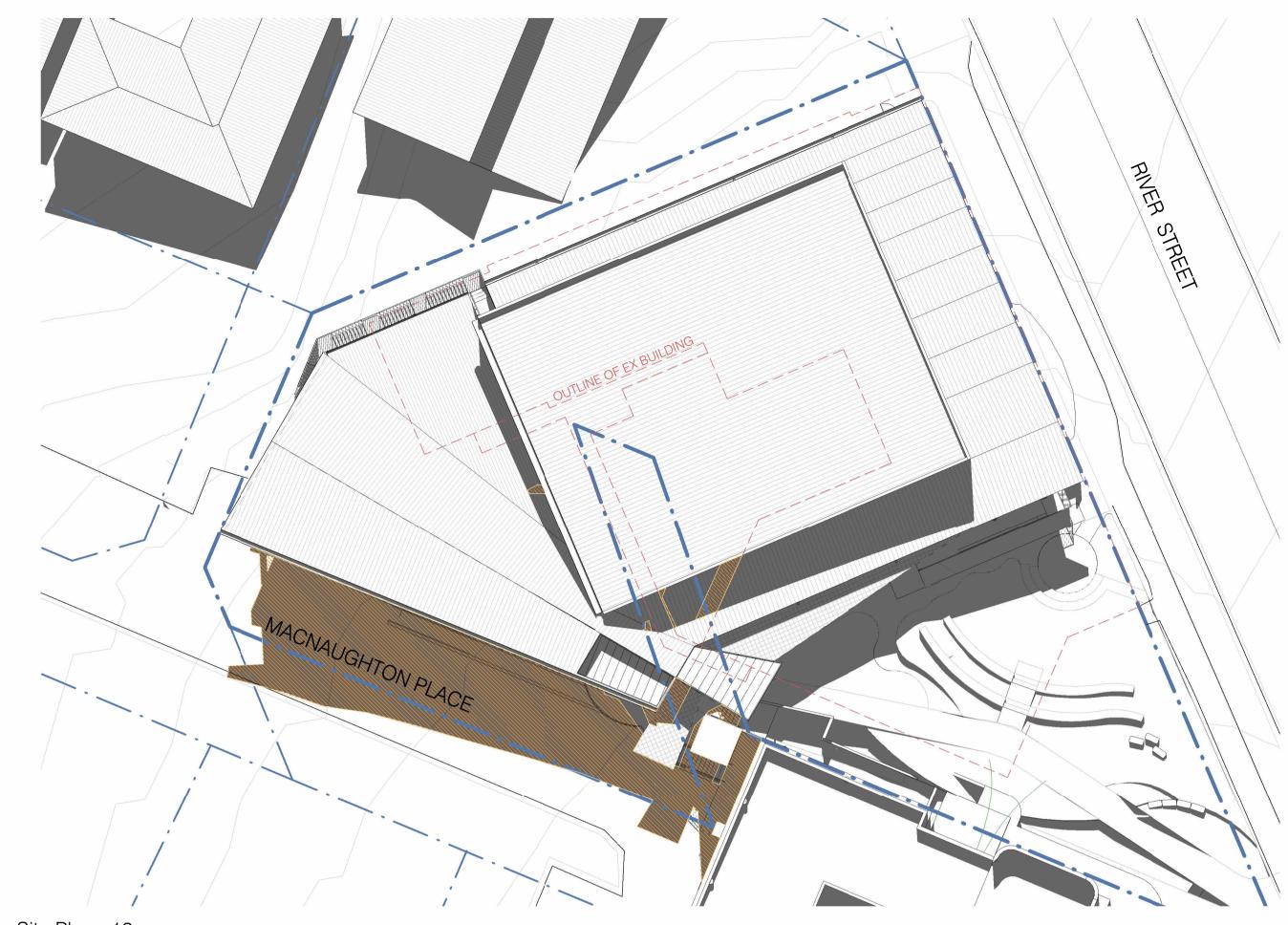
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Clarence Valley Council

For :

COMPLETE





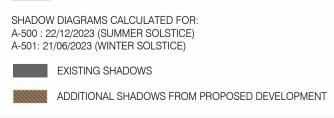
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### <u>LEGEND</u>

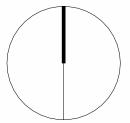


**Development Application** 

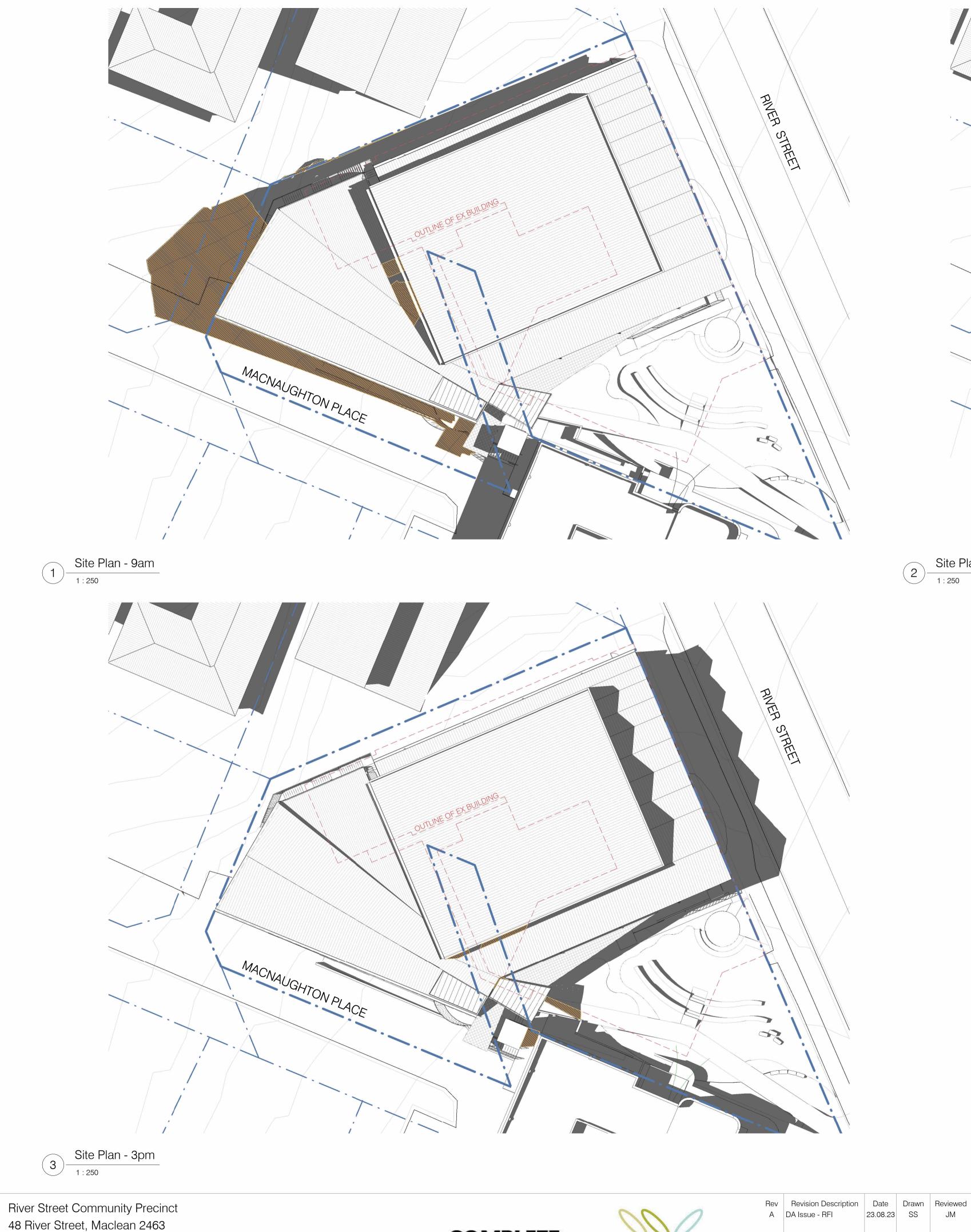
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Shadow Diagrams - Winter Solstice (A1) Project Number 2214

Drawing Number : DA-501



Revision Α



Clarence Valley Council For : Project Status: Development Application

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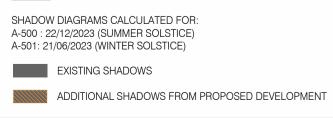
2 Site Plan - 12pm 1:250



MACNAUGHTON PLACE



### <u>LEGEND</u>



**Development Application** 

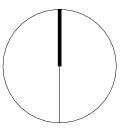
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Shadow Diagrams - Summer Solstice Project Number 2214

Drawing Number : DA-500

Revision Α







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