

Attachment H – Draft Conditions of Consent PPSNTH-220 (amendment 1)

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 in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Plan	Drawn by	Dated	Drawing No.	Rev
Cover Sheet	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-00	B
Location Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-01	B
Site Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-110	C
Demolition – Boatshed Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-111	B
Demolition – Roof Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-112	B
Boatshed Floor Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-120	B
Club Deck Floor Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-121	B
Upper Deck Floor Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-122	B
Roof Plan	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-130	B
Elevations	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-200	C
Elevations	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-201	C
Cross Section	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-300	B
Staging Plans	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-500	B
Perspective – Prince Street	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-600	B
Perspective – Memorial Park	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-601	B
Perspective – Memorial Park	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-602	B
Perspective – Clarence River	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-700	B
Finishes	Nimbus Architecture and Heritage Pty Ltd	3.08.23	DA-700	B

The development must be implemented 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	Rev.
Statement of Environmental Effects – Grafton Rowing Club Boatshed	Think Planners Pty Ltd	4.8.23	SEE – Grafton Rowing Club	-
Statement of Heritage Impact Flood Assessment Report	Nimbus Architecture and Heritage Pty Ltd BMT Commercial Australia Pty Ltd	August 2023 27.10.23	H-1018	B
BCA Report Grafton Rowing Club Redevelopment	Atelier Consultancy	15.12.2022	220010	2

In the event of any inconsistency between the approved plans and supporting documents the conditions prevail to the extent of the inconsistency

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 building construction below the top of the levee shall be of flood compatible materials.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. A structural engineer's certificate shall be submitted with the Construction Certificate application to verify the existing structure can withstand the additional loads that will be imposed on it by the new additions. The certificate shall also certify that the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
5. Prior to issue of a Construction Certificate approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office. Hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted with the application for approval.
6. Access to and within the building and facilities for disabled persons shall be provided and constructed in accordance with the requirements of the National Construction Code (NCC) and AS 1428.1-2009. The plans submitted with the Construction Certificate application shall indicate dimensional compliance with AS1428.1-2009.

7. The building shall comply with the energy efficiency requirements of Section J of the NCC. A Section J report and design certificate shall be submitted with the Construction Certificate application.
8. An erosion and sediment control plan prepared in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' must be submitted to and approved by Council before the Construction Certificate is issued.
9. Prior to the issue of a Construction Certificate, a Crime Prevention Through Environmental Design Report that is prepared in accordance with the NSW Police 'Safer by Design' guidelines is to be submitted to Council for approval. Measures identified in the Crime Prevention Through Environmental Design Report are to be implemented.
10. A schedule of all external finishes and colours (including details of the building identification sign), 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's heritage officer prior to release of the Construction Certificate.
11. 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.
12. Prior to the issue of 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
- 12A. Rainwater head and downpipes are to be reinstated as per the heritage recommendations. The Stormwater Drainage Plan is to be amended to provide attenuation or control of outlet flows, maintaining the existing outlet points onto the concrete slab. Sufficient detail shall be provided in revised stormwater drainage plans that are to be submitted Council for approval prior the issue of the Construction Certificate.

PRIOR TO WORKS COMMENCING

13. No construction is to be commenced until a Construction Certificate has been issued.
14. 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.

15. Prior to work commencing all Erosion and Sediment Control measures identified on the approved plan are to be installed on-site.
16. 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, and
 - 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 certifying authority for the work, and

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

17. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community. As a minimum, the CMP must address the following areas:

Health and Safety

- a Public safety, amenity and site security;
- b Traffic Control and Management;
- c Pedestrian management;
- d Construction hours;
- e Noise control (All reasonable and feasible mitigation measures must be applied to reduce the potential noise and air quality impacts to sensitive receivers as a result of the construction of the proposal);
- f Contractor vehicle parking;
- g Locating existing utilities and services
- h Health and Safety requirements.

Environment

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

Quality

- a Submission of current insurance certificates;

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

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

Associated Traffic Control Plans be prepared by a person authorised by Transport for NSW to prepare Traffic Control Plans.

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.

- 17A. The application is to obtain a Controlled Activity Approval under the *Water Management Act 2000* for any works that fall outside of the leased area for the Grafton Rowing Club within the reserve. The approval is to be obtained prior to the commencement of any works and comply with the approval requirements at all times.

DURING WORKS

18. Attention is directed to the NSW Heritage Act 1977 and the provisions in relation to the **exposure of relics**.
- 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).

19. Demolition work is to be carried out in accordance with AS2601.
20. Erosion and Sediment Controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued.
21. 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.
22. 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.
23. 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.
24. Working/Construction Hours
Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm 6 days per week

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.

25. 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.

26. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:
 - a A hoarding or fence must be erected between the work site and the public place.
 - b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d Any such hoarding, fence or awning is to be removed when the work has

been completed.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

27. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
28. 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.
29. 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.
30. 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.
31. 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.
32. A Flood Action Plan, as recommended in the Grafton Boatshed Redevelopment Flood Assessment by BMT Commercial Australian Pty Ltd, dated 27 October 2022, encompassing elements discussed in this document, and in line with Section D.3.1.f of the Clarence Valley DCP (2011) and developed in consultation with the Local NSW SES is to be submitted to Council for approval prior to the issue of an Occupation Certificate.
33. During ongoing use of the premises provisions will need to be catered for Basic Waste management requirements for General Waste, Recycling and Food Organics. This could be Councils Commercial waste service with collection of 240lt and 360lt Mobile Garbage Bin or other suitably qualified Commercial services catering for all waste streams at an agreed collection point. There must be adequate waste services provided to the premises to prevent health or environmental concerns. All waste disposal activities must comply with Health and Environmental legislation or regulations.

34. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.

OPERATIONAL CONDITIONS

35. All liquid trade waste from the kitchen on the Club Deck and the kitchen and the Coffee Cart on the Upper Deck, shall discharge through a grease arrestor sized according to the peak influent flow rate. The minimum permitted volume of the grease arrestor is 1000L if the peak influent flow rate is less than 1000L/hr. The grease arrestor shall be installed in accordance with AS/NZS3500, the plumbing code of Australia and Council requirements. It shall be located in an area accessible for the pump out contractor. A hose tap equipped with an appropriate backflow prevention device shall be located within 5m of the grease arrestor.
36. 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.
37. The storage of flammable fuels or hazardous chemicals and proper use of personal protective equipment when handling of flammable fuels or hazardous is to comply with the Model Work and Health Safety Regulation as released by Safe Work Australia.
38. All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time.
39. 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 outdoor lighting is permitted on the site.
40. 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*.
41. All sinks and floor wastes in food preparation areas shall contain basket arrestors.
42. 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.
43. This approval does not approve any other use of the site other than the use of the facility as a 'Boat Shed' and 'Community Facility'. Any ancillary events for the Rowing Club facility are to cease by 11.30pm any day of the week except for any activities that are approved separately under the conditions of a lease issued for

Reserve 85477 or temporary licence over the reserve under the Crown Land Management Act 2016 or other approved use of the facility.

*Notes: (An ancillary use is a use that is subordinate or subservient to the Rowing Club use. **Boat Shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure. **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).*

44. The application is to obtain a Controlled Activity Approval under the *Water Management Act 2000* for any works that fall outside of the leased area for the Grafton Rowing Club within the reserve. The approval is to be obtained prior to the commencement of any works and comply with the approval requirements at all times.