

## Draft Advices and Conditions of Consent for DA2024/0303

### General

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

#### Approved plans

Plan No	Revision number	Plan Title	Drawn by	Date of plan
GBHR-AR-DG-ACQ-12-L1-0001	F	Demolition Plan – Level 01	STH Architects	8/10/2024
GBHR-AR-DG-ACQ-12-L2-0001	E	Demolition Plan – Level 02	STH Architects	8/10/2024
GBHR-AR-DG-ACQ-10-00-0001	G	Proposed Site Plan	STH Architects	8/10/2024
GBHR-AR-DG-ACQ-22-L1-0001	G	Floor Plan – Level 01	STH Architects	8/10/2024
GBHR-AR-DG-ACQ-22-L2-0001	H	Floor Plan – Level 01	STH Architects	8/10/2024
DA101	P3	Sediment & Erosion Control Plan	ACOR Consultants Pty Ltd	05/04/2024
DA102	P3	Sediment & Erosion Control Plan	ACOR Consultants Pty Ltd	05/04/2024

#### Approved documents

Document title	Prepared by	Date of document
Arboricultural Impact Assessment	Civica Pty Limited	26 September 2023
Stage 2 Site Contamination Assessment	Regional Geotechnical Solutions	12 September 2023
Site Waste Minimisation and Management Plan	GeoLINK Consulting Pty Ltd	3 April 2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. **Flood compatible materials**

All new building construction below 6.4m Australian Height Datum (AHD) shall be of flood compatible materials, except where necessary to match existing.

**Condition reason:** To reduce flood damage and comply with the CVC Development Control Plan

3. **Crown Building Work**

All new building work shall comply with the State's building laws.

**Condition reason:** To ensure that works comply with the State's building regulations.

4. **Tree removal**

Tree removal is limited to removal of the nominated trees (24 and 49) as per the Arboricultural Impact Assessment by CIVICA Pty Limited dated 26 September 2023). Trees should be mulched and reused onsite or disposed of to a lawful waste facility.

**Condition reason:** To ensure that works comply with the State's building regulations.

### **Building Work**

#### **Before Issue of a Construction Certificate**

No conditions have been applied to this section.

#### **Before Building Commences**

5. **Section 68 Sanitary Plumbing & Drainage**

Prior to work commencing, approval under Section 68 of the *Local Government Act 1993* shall be obtained from Council for any proposed sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office.

**Condition reason:** To Comply with the provisions of the *Local Government Act 1993*

6. **Tree protection**

Prior to work commencing, any vegetation or trees not directly in conflict with the proposed development are to be clearly identified, protected and retained and during construction works.

**Condition reason:** To ensure tree protection measures are maintained during construction works

7. **Notice of intention to commence work**

Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.

**Condition reason:** To comply with legislative requirements

8. **Signs on site**

Prior to works commencing, a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a Showing the name, address, and telephone number of the principal certifier for the work, and
- b Showing the name of the principal contractor (if any) for any building work and telephone number on which that person may be contacted outside working hours, and
- c Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

NOTE: this does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Condition reason:** Prescribed condition EP&A Regulation, clauses 98A (2) and (3)

9. **Toilet Facilities**  
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.
- Condition reason:** To provide onsite facilities in accordance with work health and safety requirements
10. **Dial Before You Dig**  
Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW)
- Condition reason:** To ensure workplace safety
11. **Archival Report**  
An archival report of the three (3) painted murals by Leonard Lawson is to be carried out, and prints made to be retained with other murals in the main gaol. A digital copy of the archival recording is to be provided to the NSW Correctional Services Gaol Museum at Cooma, NSW, Clarence River Historical Society and the Clarence Valley Council prior to works commencing.
- Condition reason:** To ensure that the history and significance of buildings are documented before their removal or re-use due to the age of the structures and nature of previous occupants of this land
12. **Unexpected Finds Procedure**  
Before works commence, an Unexpected Finds Procedure/s must be prepared for ground disturbance and earthworks activities and included in the Construction Management Plan.
- Condition reason:** To ensure that the surrounding environment is not detrimentally affected as a result of the development
13. **Trees to be identified Onsite**  
Prior to commencement of works, trees proposed to be removed are to be clearly identified onsite. Care is to be taken when clearing to minimise damage to surrounding vegetation, by using appropriately sized equipment. No further clearing of trees is to be undertaken without the prior written consent of Council.
- Condition reason:** To ensure that vegetation clearance or modification during construction is contained
14. **Inspection of trees by suitably qualified person**  
Prior to vegetation clearing, mature trees must be inspected by a suitably qualified and experienced professional to determine that no fauna or fauna habitat features (nests, dreys) are present or active. If present, the suitably qualified and experienced professional shall be present during the removal of trees to ensure the potential for fauna injury or mortality is reduced. In the event that fauna are present and require care, fauna must be transported to local wildlife carers or a local veterinary hospital.
- Condition reason:** To protect flora and fauna located in the locality
15. **Noise complaints handling process**  
Before works commence, the applicant must prepare a Noise Complaints Handling Process.
- Condition reason:** To provide measures for the protection of the public and surrounding

environment during the carrying out of works on the site

#### **During Building Work**

16. **Working Construction Hours**

Working hours on construction or demolition shall be limited to the following:

- i 7.00am to 6.00pm Monday to Friday
- ii 8.00am to 1.00pm Saturdays
- iii No work permitted on Sundays and public holidays

**Condition reason:** To protect the amenity of the surrounding area

17. **Site Safety Management**

Building equipment and/or materials shall be contained wholly within the site and 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.

**Condition reason:** To ensure site management measures are implemented during the carrying out of site work

18. **Waste enclosure**

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.

**Condition reason:** To ensure waste material is appropriately disposed of

19. **Waste management Plan**

The waste management plan submitted with this application shall be complied with during demolition/construction work.

**Condition reason:** To recycle and reuse resources where possible and reduce the amount of construction waste going to landfill

20. **Reuse of vegetation onsite**

Vegetation cleared during clearing activities should be mulched for use in erosion and sediment control during construction and/or reused onsite where possible.

**Condition reason:** To ensure the development does not adversely impact on biodiversity

21. **Management of Activities within Electricity Easements and Close to Infrastructure**

Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

**Condition reason:** To comply with the requirements of Management of Activities within Electricity Easements and Close to Infrastructure

22. **Demolition work**

Demolition work is to be carried out in accordance with AS2601.

**Condition reason:** To ensure that demolition work is carried out safely

23. **Potential Evidence of Soil Contamination during works**  
Should potential evidence of site contamination be identified during development activities, such as soil staining, buried materials, or odours, then a site contamination specialist should be contacted for advice without delay.  
**Condition reason:** To ensure compliance with the National Environment Protection (Assessment of Site Contamination) Measure 1999
24. **Removal of soils and materials**  
Should unidentified fill materials be encountered that require removal off site, assessment for a Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 – the Excavated Natural Material (ENM) Order 2014, will be required.  
**Condition reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

### Section 138 Works

#### Before issue of Public Works Certificate

25. **Pedestrian Facilities Plan**  
Prior to the issue of a Public Works Certificate for works under Section 138 of the *Roads Act 1993*, detailed plans shall be submitted to Council and/or accredited private certifier for the pedestrian crossing and any associated modifications to existing on-street parking configurations. Council recommends that the pedestrian crossing is a raised pedestrian (wombat) crossing. Any proposed works will require endorsement by the Local Traffic Committee. Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act 1993.  
**Condition reason:** To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development
26. **Information, Communication and Technology Link**  
Prior to the issue of a Public Works Certificate for works under Section 138 of the *Roads Act 1993*, detailed plans shall be submitted to Council and/or accredited private certifier which demonstrate horizontal/vertical clearance between the private Information Communication and Technology (ICT) link and existing infrastructure within the Arthur Street road reserve. Clearances shall comply with minimum clearance requirements of WSAA, Council engineering standards and any other applicable electrical or communications standards.  
**Condition reason:** To ensure compliance with engineering standards
27. **Design Certification Report**  
A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of the Northern Rivers Local Government Development Design and Construction Manual, WSAA, applicable Austroads guidelines and Australian Standards must be submitted to Council with the submission of the Public Works Certificate for works under Section 138 of the *Roads Act 1993*.  
**Condition reason:** To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

## **Before Public Works Commence**

**28. Commencement of Works**

No construction including removal of vegetation and topsoil within the public road reserve is to be commenced until a Public Works Certificate has been issued.

**Condition reason:** To ensure all approvals are obtained prior to works commencing.

**29. Notice of intention to commence work**

Prior to work commencing within the public road reserve, the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.

**Condition reason:** To comply with legislative requirements

**30. Traffic control plan**

A traffic control plan shall be prepared by a Transport for NSW accredited person for the temporary traffic signage layout and vehicle movements to be used during the demolition/construction process. The traffic control plan shall be submitted to and approved by Council prior to works commencing.

**Condition reason:** To ensure traffic movements around the site are safely managed

**31. Construction of Infrastructure and Services**

Construction of required infrastructure and services is to be in accordance with the applicable Clarence Valley Council Development Control Plans Austroads, AS2890, Northern Rivers Local Government Development Design and Construction Manual and WSAA.

**Condition reason:** To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

**32. Inspection Testing Plan**

Prior to commencement of works an Inspection Testing Plan must be submitted to Council for approval. 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.

**Condition reason:** To ensure works are completed to an appropriate standard and documented

## **Before Issue of an Occupation Certificates**

No conditions have been applied to this section.

## **Occupation and Ongoing Use**

**33. Public Works Certificate**

Prior to the issue of any Crown Completion Certificate, all works associated with the Public Works Certificate must be completed in accordance with the approved plans.

**Condition reason:** To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

**34. Certification of constructed Civil Works**

Prior to the issue of any Crown Completion Certificate, certification of constructed Civil Works by the supervising engineer and/or registered surveyor is required to be submitted to Council and prior to public infrastructure being accepted "on maintenance" and/or "practical completion"

being granted for the works.

**Condition reason:** To ensure works are completed to an appropriate standard and documented

35. **Asset Register Works Return**

Prior to the issue of any Crown Completion Certificate, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.

**Condition reason:** To ensure works are completed to an appropriate standard and documented

36. **Work-As-Executed Plans**

In accordance with the Northern Rivers Local Government Development Design and Construction Manual and prior to the issue of any Crown Completion 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.

**Condition reason:** To ensure works are completed to an appropriate standard and documented

37. **Maintenance Bond**

Prior to the issue of any Crown Completion 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 work is subject to a maintenance period of six (6) months from the date of Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended due to material or construction work compliance reasons.

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 the Northern Rivers Local Government Development Design and Construction Manual (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.

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'.

**Condition reason:** To ensure works are completed to an appropriate standard and documented

38. **Repair of infrastructure**

Prior to the issue of any Crown Completion Certificate;

- a any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
- b if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

**Condition reason:** To ensure any damage to public infrastructure is rectified

39. **Street Number**

The address of 169 Arthur Street has been allocated to the premises and the street number shall be clearly displayed so it is visible from the road. The site and size of proposed mailboxes shall meet Australia Post guidelines.

**Condition reason:** To comply with the NSW Address Policy and User Manual and assist Australia Post, emergency services and the general community in locating the premises

40. **Certification of Services**

Prior to the issue of any Crown Completion Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, Water Sensitive Urban Design components, pipelines, road batters, access ways and drainage paths) are contained within the respective lot or easements.

**Condition reason:** To ensure works are completed to an appropriate standard and documented

41. **Completion of works**

Prior to the issue of any Crown Completion Certificate, the Crown certifier must ensure that all requirements of this consent (including as shown on the approved documents; the conditions of consent and all subsequent associated approvals) have been completed.

**Condition reason:** To ensure the development is undertaken in accordance with the relevant legislation and conditions of consent