

ATTACHMENT A

Draft Conditions of Consent

GENERAL CONDITIONS

1. The development must be carried out in substantial accordance with the documents listed below, except where amended by other conditions of this consent.
 - a) Architectural Package Dunn & Hillam Architects.
Job No. 23_305 Drawings dated 20/07/2023:
 - DA 01-000 Cover Sheet
 - DA 01-100 Site Plan
 - DA 01-101 Ground Floor Plan
 - DA 01-102 Roof Plan
 - DA01-103 Site Plan-Overflow Parking Management
 - DA01-201 Sections
 - DA01-301 Elevations - North and South
 - DA01-302 Elevations - East and West
 - b) Civil Package JHA Services Job No. 230209
Drawings C-DA June 2023
 - 000 cover Sheet – Rev P5
 - 100 Site Plan Layout – Rev P5
 - 101 Part Site Plan – North – Rev P5
 - 102 Part Site Plan – South – Rev P5
 - 300 Details Sheet – Rev P5
 - 301 Channel Long Sections - Rev P2
 - 500 Erosion and Sediment Control Plan and Details – Rev P6
 - c) Arboricultural Impact Assessment for 2023 Development at: Cobar Museum NSW 2835 prepared by Wade Ryan Contracting, dated 14/07/2023.
 - d) Acoustic Report prepared by JHA Services, Project Number 220262, Revision P2, 17/07/2023.
 - e) Site Contamination Investigation Report prepared by Barnson Pty Ltd - Reference 39598 ER01_B ER02, 18/07/2023.
 - f) Cobar Heritage Centre Landscape Design prepared by Somewhere Landscape Architects, Designers and Dreamers Project No. J669, 18/07/2023.
2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.
3. The applicant must ensure that all obligations under the *Building and Construction Industry Long Service Payments Act 1986* have been satisfied prior to the issue of a Construction Certificate and/or commencing any work approved by this consent.
4. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
5. This development consent lapses unless building, engineering or construction work relating to the development is physically commenced on land to which the consent applies before the date that is five (5) years from when this consent operates.
6. If Council becomes aware of environmental impacts during construction of the proposed development that pose serious environmental concerns due to the failure of environmental management measures in place to ameliorate the impacts, Council may

order the applicant to cease activities causing impact until all concerns have been addressed to the satisfaction of Council.

7. The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.
 8. The construction of the building, the subject of this development consent must not commence until:
 - a) A Construction Certificate has been issued.
 - b) A principal certifier has been appointed.
 - c) A notice of intention to commence work has been issued to Council as the consent authority.
 9. The building work subject to this consent must be carried out in accordance with the requirements of the Building Code of Australia.
 10. Construction work on the site must only be carried out between the hours of 7.00am and 8.00pm, Monday to Saturday inclusive and 8.00am to 8.00pm on Sundays or Public Holidays.
 11. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, identifying the following:
 - a) the name, address and telephone number of the principal certifier for the work,
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the work is being carried out but must be removed when the work has been completed.
13. All external lighting is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.
 14. The development work must be carried out in general accordance with relevant requirements of Managing Urban Stormwater: Soils and Construction (4th Edition, Landcom 2004), commonly referred to as the "Blue Book".
 15. Appropriate site security fencing shall be erected to restrict unauthorised access to construction work sites.
 16. It is a condition of this consent that the s7.12 levy must be paid to Council in accordance with the *Cobar Local Infrastructure Contributions Plan 2012* (the Plan). The levy payable is 1% of the estimated cost of carrying out the development. The levy payable is \$61,132.35 based on the estimated cost of the development as submitted with the application and it is subject to indexation in accordance with clause 2.18 of the Plan being payable prior to the issue of a construction certificate.
 17. Before commencing work on site, the applicant must ensure a Construction Site Management Plan is prepared and provided to and approved by the certifier. The plan must include the following matters as relevant to the subject construction site:
 - a) Location and materials for protective fencing and hoardings to the site perimeter on the site.

- b) Provisions for public safety.
- c) Pedestrian and vehicular site access points and construction activity zones.
- d) Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measure to preserve pedestrian safety in the vicinity of the site protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on developments sites and trees in adjoining public domain) (if applicable).
- e) Details of any bulk earthworks to be carried out.
- f) Location of site storage areas and sheds.
- g) Equipment used to carry out all works.
- h) A garbage container with a tight-fitting lid.
- i) Dust, noise and vibration control measures.
- j) Location of any temporary toilets or existing on-site toilets.

The applicant must ensure a copy of the approved Construction Site Management Plan is kept on-site at all times during construction.

18. Demolition works must be carried out in accordance with Australian Standard 2601-2001: *The demolition of structures*.

19. It is a condition of this consent that the acoustic assessment of all mechanical plant and the cinema speaker system shall continue during the detailed design phase of the project in order to confirm that any noise control measures will achieve the relevant noise criteria at the nearest noise sensitive receivers as recommended in the Acoustic Report prepared by JHA Services Project Number 220262 Revision P2, dated 17/07/2023.

Compliance with this condition to be verified by the principal certifier prior to issuing a Construction Certificate.

20. It is a condition of this Consent that the following recommendations of the Arboricultural Assessment Report prepared by Wade Ryan Contracting, dated 14 July 2023 are complied with:

- a) Trees identified as 7, 11 and 14 in the Report are to be positively identified and removed.
- b) All other trees shall be positively identified and have appropriate protection measures put in place prior to demolition commencing.
- c) Trees identified as 3 and 4 in the Report require canopy pruning to allow clearances for development and this is to occur prior to demolition commencing.

- d) Native vegetation or at least exotic trees that will tolerate the hot summer temperatures should be utilised as part of the Landscape Plan.
- e) There should be no trenching or excavation works within the Tree Protection Zone (TPZ) without prior consultation with Level 5 Arboriculture Consultant to evaluate the impacts on the trees. This specifically includes, trenching for services, electricity, water, gas, communications, sewer or irrigation pipes, general earth works, including landscaping, that disturbs the soil profile.
- f) Temporary fencing should be erected around all trees to be retained at the TPZ distance from the stem prior to commencement of demolition and construction. Where construction is required inside the TPZ, the fence should be moved back sufficiently to allow this to occur and then reinstated as soon as possible or as practicable.
- g) There should be no parking of vehicles, or plant or storage of any materials within the TPZ of the retained trees.
- h) Boring of post holes in the order of 150 to 200 mm diameter for the erection of boundary posts or piers are identified as an acceptable impact within the TPZ, but not excavation of soil for the laying of strip footings.

Any roots encountered that are 30 mm or larger in diameter are to be clean cut with a saw.

- i) The landscaping plan for the project needs to consider the TPZ of the trees and look to maximise the opportunity for root retention and future root development.
- j) Any specified pruning, or clearance pruning of trees for machinery operation should be conducted before commencement of any works so that an effective tree protection barrier (fence) can be installed and the canopy not damaged by demolition or construction process. An Arborist with Level 3 qualifications (Certificate III) should be engaged to conduct the pruning so that it is conducted in accordance with *Australian Standard 4373-2007 - pruning of amenity Trees*.
- k) If there is any potential for impact of machinery to the tree stems then protective material shall be attached to the stem/branch as per the *Australian Standard 4970 - Protection of trees on buildings sites* section 4.5.2.
- l) Other specific measures outlined in *Australian Standard 4970-2009 protection of trees* on development sites may be appropriate once final consent conditions and demolition/construction works are determined.
- m) Trees 3 and 4 require canopy pruning prior to any demolition or construction works to achieve clearances for work activity and construction. This should not be conducted by unqualified trade's persons or done with excavators. Piers for the Micro-mesh need to be drilled - if a root greater than 50mm in diameter is encountered then an alternative hole location should be found so that large roots are not removed from the tree.
- n) Tree 6 - *Ficus macrophylla*, (Moreton Bay fig). Tree has significant exposed large buttress roots. It is very important that these are not damaged by any construction activity. The only work at this point identified within the TPZ is the piers for the Micro-mesh pathway on west side of the canopy. If the TPZ fencing protects the exposed roots then no further action is required. If there is possibility of injury to the stem or the exposed roots then further measures will need to be developed. Do not lift the tree canopy any higher than present. Risk

of further cambium death from hot sun and onset of decay. Recommend organic mulch around the tree out to the canopy drip line or as far as practicable to reduce soil compaction from pedestrian traffic and aid in alleviating existing soil compaction. This will also increase the soil biota, root development and nutrient increases.

- o) Tree 8 - Eucalyptus cladocalyx, (sugar gum). It is recommended that the work activities only occur on and from the west side of the existing retaining wall. Specifically the demolition of the existing retaining wall should occur after the building is removed and the excavator should be operated from the west side - reaching to the wall and pulling it away from the tree. The excavator or machinery should not operate inside the TPZ. Any roots that are exposed behind the retaining wall that are 30 mm in diameter or greater should be clean cut if damaged during this process.
- p) The project construction planning is to have contingency for irrigation to the primary trees impacted, specifically trees 3, 4, 6, 8 and 10. Simple sandbagging and flood irrigation inside the sandbagging is very effective. Frequency and water volumes will be dependent on conditions at the time.

21. It is a condition of this Consent that the following recommendations of the Acoustic Report prepared by JHA Services, dated 17 July 2023 are complied with:

Mechanical Services

- a) The external mechanical plant shall be designed such that the cumulative noise level at the boundary of the site does not exceed 75dB(A).

Outdoor Theatre and Courtyard-Film Events

- b) Maximum sound pressure level of the cinema sound system at 1m shall not exceed 90dB(A).
- c) Speakers shall be orientated towards the south / southeast, away from residential receivers.
- d) A maximum of 100 patrons shall be in the courtyard area during the film events.
- e) Patrons shall communicate with a "normal" vocal effort.
- f) Patrons are evenly distributed around the courtyard.

Outdoor Theatre and Courtyard-Special Events

- g) A maximum of 150 patrons shall be in the courtyard area during the special events.
- h) Patrons shall communicate with a "normal" vocal effort.
- i) Patrons are evenly distributed around the courtyard.
- j) Music noise levels shall be approximately 10dB below the noise levels of the patrons.

Outdoor Theatre and Courtyard-Everyday Use

- k) A maximum of 150 patrons shall be in the courtyard area during the everyday use.
- l) Patrons shall communicate with a "normal" vocal effort.
- m) Patrons are evenly distributed around the courtyard.

Exhibition Building

- n) The exhibition pavilion façade shall be constructed so as to provide a minimum total sound insulation performance of RW50 or greater.

- 22.** It is a condition of this Consent that the following recommendations of the Site Contamination Investigation Report prepared by Barnson, dated 18 July 2023 are complied with:
- a) Workers involved in the construction are to be protected from direct exposure to the slag through the implementation of appropriate workplace hygiene measures to minimise inhalation and ingestion of slag particulates.
 - b) Only classified fill material from off-site be used for landscaping and levelling of the site.
 - c) Stormwater runoff from the slag stockpile area must be channelled around the proposed development in order to prevent the further deposition of slag particulates into surface soils of the Investigation Area. The channelled stormwater runoff must be appropriately managed to prevent soil erosion and landscape degradation.
 - d) A Construction Environmental Management Plan (CEMP) must be prepared, prior to the start of any earthworks or construction works. The purpose of the CEMP is for the management of excavated soils and should include procedures for the management of sediment and erosion.
 - e) An unexpected finds protocol be put in place as part of the CEMP to provide guidance in dealing with contaminated soil or hazardous materials discovered during demolition or excavation activities.
- 23.** It is a condition of this Consent that the operating hours of the premises be limited to Monday to Saturday 8.00am – 10.00pm and Sunday 8.00am – 5.00pm.
- 24.** It is a condition of this Consent that a separate development application must be submitted in respect of any proposed advertising or signage to which Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021* applies.

REASONS FOR THE IMPOSITION OF THE CONDITIONS

1. To ensure the proposed development:
 - a) achieves the objects of the *Environmental Planning and Assessment Act 1979*;
 - b) complies with the provisions of all relevant environmental planning instruments.
2. To ensure the protection of the amenity of land adjoining and in the locality of the proposed development.
3. To minimise any potential adverse environmental, social or economic impacts of the proposed development.
4. To ensure the development does not conflict with the public interest.
5. To ensure the protection of public and environmental health.
6. To provide a safe and healthy environment for the occupiers of the premises.