

## **ATTACHMENT 1**

### **DRAFT CONDITIONS**

**Applicant's response to proposed conditions is provided below each condition.**

#### **GENERAL**

- 1 The development shall be completed in accordance with the Statement of Environmental Effects and the following plans prepared by Gardner Wetherill & Associates

- Site Plan Drawing Number DA1001 Revision A dated 10.05.11
- Plan Demolition Drawing Number DA1002 Revision A dated 10.05.11
- Site Analysis Diagram Drawing Number DA1002 dated 10.05.11
- Plan - Basement Level Drawing Number DA1110 Revision A dated 29.09.11
- Plan - Ground Floor Level - Drawing Number DA1210 Revision B dated 15.11.11
- Plan - First Floor Level Drawing Number DA1301 Revision B dated 25.07.11
- Elevations - Sheet 1 - Drawing Number DA1500 Revision A dated 10.05.11
- Elevations - Sheet 2 - Drawing Number DA1501 Revision A dated 10.05.11
- Sections - Sheet 1 - Drawing Number DA1600 Revision A dated 10.05.11
- Perspective Views - Drawing Number 1700 Revision A dated 10.05.11
- Sun Study Diagram - Drawing Number DA1800 Revision A 10.05.11

and the following plan prepared by Jackie Amos Landscape Architect

- Landscape Plan – Drawing Number 1156-01 Revision D

except where varied by the conditions of this consent.

[GEN0005]

- 2 The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

- 3 The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

- 4 Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

- 5 The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]]

- 6 In accordance with Section 109F(1) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[GENNS01]

- 7 A Subdivision Certificate application is required to be submitted, to ensure that appropriate land is dedicated for road widening, footpath relocation and relocation of services (if necessary), along the Marine Parade frontage.

[GENNS02]

- 8A Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include plans and specifications for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures, designed in accordance with Councils Development Design and Construction specifications.

#### **URBAN ROAD**

- § Construction of Marine Parade road widening on the western side of Marine Parade in front of the proposed Police Station to allow for seven car parking spaces as indicated on the 'Ground Floor Level' plan prepared by Gardner Wetherill and Associates, drawing number 1210, revision A. This should incorporate pavement widening, kerb and gutter relocation, concrete footpath relocation, and services relocation (if necessary).

The relocated footpath area is required to match the existing footpath width.

- § Construction of five vehicular footpath crossings: four in the Kingscliff Street frontage and one in the Marine Parade frontage.

- § Construction of concrete path paving 1.2m wide on the Kingscliff Street frontage..

#### **OTHER**

- § The existing sewer main infrastructure traversing the site is to be removed, and a new sewer manhole is to be constructed at the end of this line, 1m inside the boundary of the Pearl Street frontage.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- ☐ Road works/furnishings
- ☐ Stormwater drainage
- ☐ Sediment and erosion control plans
- ☐ Location of all services/conduits
- ☐ Traffic control plan

8B Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

8C Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

§ That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.

§ That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.

§ That site fill areas have been compacted to the specified standard.

§ That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

8D During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

§ That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.

§ That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

8E During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Council's Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

9 The proponent is to construct 10 car spaces at the eastern end of the site as shown on Plan - Ground Floor Level - Drawing Number DA1210 Revision B dated 15.11.11 prepared by Gardner Wetherill & Associates. These car spaces are not to be enclosed by fencing and are to be available for use by customers of the police station at all times.

10 Prior to commencement of works, the proponent shall provide a letter from owner of the site for Coastal hazard which states the following:

"As the owner /owners of the property at Lot 701 DP1002309, Pearl Street, we acknowledge Council's draft DCP25 "Coastal Hazard" and the NSW Department of Planning "NSW Coastal Planning Guideline Adapting to Sea Level Rise" August 2010.

Having regard to the above documents we understand that future coastal erosion has the potential to affect our property and we accept all risk and responsibility associated with the proposed development, including the extent to which we will engineer and construct the building to mitigate any future erosion effect."

- 11 All signage is to comply with Councils Development Control Plan and shall comprise only of the building identification wall sign and a pole sign. The flag pole must not extend higher than the front roof of the building.

[GENNS05]

- 12 A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to Council prior to commencement of civil infrastructure works. Safe public access shall be provided at all times.

[PCC0865]

- 13 Details from a Structural Engineer are to be submitted to the Principal Certifying Authority or equivalent for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

- 14 No ground anchors are to protrude into public land.

- 15 Prior to approval of detailed civil infrastructure works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority or equivalent for approval.

§ copies of compliance certificates relied upon

§ four (4) copies of detailed engineering plans and specifications, prepared in accordance with Development Design Specification D.13.. The detailed plans shall include but are not limited to the following:

- roadworks/furnishings
- stormwater drainage
- sewerage works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

- 16 Permanent stormwater quality treatment shall be provided in accordance with the following:

§ detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of

*Councils Development Design Specification D7 - Stormwater Quality.*

§ Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*.

§ The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

- 17 Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

18 Stormwater

§ Details of proposed stormwater disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority or equivalent, prior to commencement of building works. These details shall include likely landscaping within the overland flow paths.

§ Infiltration pits shall be located wholly within the subject allotment.

§ The infiltration rate for sizing infiltration devices shall be 50% of the tested saturated hydraulic conductivity at the site (i.e. a factor of safety of 2) unless further testing allows a higher rate may safely be infiltration to a maximum of 12m/day:

§ Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).

§ All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.

§ All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.

§ The infiltration devices are to be designed to allow for construction and operation vehicular loading to where no vehicular barrier has been provided.

§ All infiltration devices are to be located clear of stormwater or sewer easements.

19 Works that involve any of the following:-

- ☐ connection of a private stormwater drain to a public stormwater drain
- ☐ installation of stormwater quality / quantity control devices
- ☐ erosion and sediment control works

require separate approval by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

- 20 Erosion and Sediment Control shall be provided in accordance with the following:
- § a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
  - § Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".  
[PCC1155]
- 21 The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage, and in this instance, combined with infiltration devices. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.
- Details are to be submitted with the S68 stormwater application.  
[PCC1165]
- 22 Prior to commencement of works, an asbestos report prepared by as suitably qualified person shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegate, acting reasonably. In the event that asbestos contamination is found in excess of health investigation levels, a remediation action plan (RAP) is to be prepared and approved by Council's General Manager or his delegate, acting reasonably. All works shall be in accordance with the approved RAP, if required.  
[PCCNS01]
- 23 The stormwater discharge provisions to the Marine Parade frontage are to be modified to that shown in the submitted Stormwater Management Plan. The proposed new kerb inlet pit and downstream stormwater pipe may be unnecessary and the preferred discharge method is that intended 100 mm diameter stormwater discharge pipe shall instead be discharged to the existing kerb and gutter, via a galvanised rectangular hollow section across the footpath area. Should this be unachievable, alternative options may be considered. Details to be shown with the Sec.68 stormwater application.  
[PCCNS02]

#### **PRIOR TO COMMENCEMENT OF WORK**

- 24 The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.  
[PCW0005]
- 25 **Prior** to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
- § Occupation Health and Safety and Rehabilitation Management Systems

- Guidelines, 3<sup>rd</sup> Edition, NSW Government, or  
§ AS4804 Occupation Health and Safety Management Systems - General  
Guidelines on Principles Systems and Supporting Techniques.  
§ WorkCover Regulations 2000

[PCW0025]

- 26 A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

PCW0245]

- 27 The applicant shall take out Public Risk Liability Insurance to a minimum value of \$10 million for the period of commencement of works until the site is commissioned as a Police Station.

[PCW0835]

- 28 Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

- 29 An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

## **DURING CONSTRUCTION**

- 30 All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

- 31 Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

- 32 All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment.
- 33 All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

- 34 Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

- 35 It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- 36 All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

- 37 Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.
- 38 The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

UR0985]

- 39 The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles.
- 40 All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All reasonable precautions, covering and protection shall be taken to minimise impact from: -
- ☐ Noise, water or air pollution
  - ☐ dust during filling operations and also from construction vehicles
  - ☐ material removed from the site by wind

[DUR1005]



- 41 Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

- 42 Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

- 43 Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:-

**Roadworks**

- § Pre-construction commencement erosion and sedimentation control measures
- § Completion of earthworks
- § Excavation of subgrade
- § Pavement - sub-base
- § Pavement - pre kerb
- § Pavement - pre seal
- § Pathways, footways, bikeways - formwork/reinforcement
- § Final inspections - on maintenance
- § Off Maintenance inspection

**Sewer Reticulation, Drainage**

- § Excavation
- § Bedding
- § Laying/jointing
- § Manholes/pits
- § Backfilling
- § Permanent erosion and sedimentation control measures
- § Drainage channels
- § Final inspection - on maintenance
- § Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

- 44 Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

- 45 The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

- 46 All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: **'DUMP NO RUBBISH, FLOWS INTO CREEK'** or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

- 47 Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the site is commissioned as a Police Station.

- 48 The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

- 49 Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

§ internal drainage, prior to slab preparation;

§ water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;

§ external drainage prior to backfilling.

[DUR2485]

50 **Plumbing**

§ A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

§ The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

- 51 Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

- 52 Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

- 53 All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

- 54 The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practicing Structural Engineer. The Engineer is to certify the design of such footings and slabs to ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main.

[DUR2645]

- 55 Prior to the Police Station being commissioned, if required by a remediation action plan, a validation report prepared by a suitably qualified person shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegates, acting reasonably.

[POCNS01]

- 56 The use to be conducted so as to not cause disruption to the amenity of the locality, particularly by way of emission of light, noise, dust and odours or the like.

[USE0125]

- 57 All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered reasonably necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

- 58 The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Saturday.

[USE0285]

### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- 59 Prior to issue of a subdivision certificate to facilitate the dedication of road widening, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

- 60 Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate **PRIOR** to the issue of a Subdivision Certificate.

- 61 Prior to the issue of a **Subdivision Certificate**, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

§ all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;

§ the plans accurately reflect the Work as Executed.

**Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.**

[PSC0735]

- 62 Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

- 63 Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

The following information must accompany an application:

§ original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.

§ all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

**Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

- 64 Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-

- § Compliance Certificate - Roads
- § Compliance Certificate - Sewerage Reticulation
- § Compliance Certificate - Drainage

**Note:**

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Council's Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".