

**NOTICE OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

issued under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

DEVELOPMENT APPLICATION NO: DA-74-2013

LAND TO BE DEVELOPED

PROPERTY ADDRESS: 129-131 Rusden Street, 135LI Rusden Street, 4-12 Cinders Lane, and 133LI Rusden Street
ARMIDALE NSW 2350

LEGAL DESCRIPTION: Lot 12 Section 5, DP 758032;
Lot 2 DP 908245;
Lots 1 and 2 DP 114800;
Lot 15 DP 758032;
Lot 18 DP 837491; and
Section of laneway adjoining Cinders Lane and
Lot 12 Section 5, DP 758032 and Lot 18 DP
837491

PROPOSED DEVELOPMENT

(This consent is issued in respect of the following matters)

DEVELOPMENT DESCRIPTION: Community Facility - New Public Library with
Commercial and Community Tenancies

DETERMINATION: Approved with Conditions

MADE ON: 25 September 2013

CONSENT TO OPERATE FROM: 25 September 2013

CONSENT TO LAPSE ON: 25 September 2018

(If development is not physically commenced
by this date)

CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-74-2013

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

GENERAL CONDITIONS – TERMS OF CONSENT

1. Plans and Documentation

To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Council approval stamp); and all other documents submitted with the application, subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

- A. *Survey Plan and current site photographs*
- B. *Land Title documents*
- C. *Architectural drawings and landscape plans – see list below*
- D. *Concept engineering plans– see list below*
- E. *Statement of Heritage Impact and Archaeological Assessment*
- F. *Car Parking Study.*

Drawing Numbers	Revision/Date	Content
Site Survey, Hawkins Hook & Co		
20070405, A/5	B 11/5/13	Survey of existing site, surrounds, services

Architectural Plans ref WA Job 4230 (except as noted) – Wilson Architects:		
SD.A – 100	P3, 24/5/13	Site Plan
SD.A – 101	P3, 24/5/13	Proposed Site Car Parking
SD.A – 102	P2, 24/5/13	Existing Site Car Parking
SD.A - 103	P2, 24/5/13	Context
SD.A - 104	P1, 24/5/13	Sun Studies
SD.A - 110	P2, 24/5/13	Demolition Plan
SD.A – 132	P2, 24/5/13	Roof Plan
SD.A – 150	P3, 24/5/13	Ground Level Furniture Plan
SD.A – 151	P3, 24/5/13	Upper Level Furniture Plan

SD.A – 200	P2, 12/6/13	Elevations
SD.A – 201	P2, 24/5/13	Elevations
SD.A – 300	P3, 24/5/13	Sections
SD.A – 901	P2, 24/5/13	Ground Level Floor Area
SD.A – 902	P2, 24/5/13	Level 1 Floor Area
4372 / SD.L01	P3, 24/5/13	Landscape Site Plan
4372 /SD.L02	P3, 24/5/13	Landscape Detail
4372 / SD.L03	P3, 24/5/13	Landscape Sections
Unnumbered	-	Colour perspective – day (Cinders Lane)
Unnumbered	-	Colour Perspective – evening (Rusden Street)
Unnumbered	-	Computer Animated Walkthrough – sep. CD.

Concept engineering plans		
13s0152/SK01	R0 May 2013	Sewerage Plan, Opus Engineers
13s0152/SK02	R0 May 2013	Stormwater Plan, Opus Engineers

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

2. Building Code of Australia

For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia,

In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:

- a. development consent, in the case of a temporary structure that is an entertainment venue, or
- b. construction certificate, in every other case.

3. Engineering / Civil Works

All engineering works are to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

4. Sewer / Drainage Works

All sewer and drainage works associated with this approval are to comply with the requirements of AS 3500 (current edition). Sewer and drainage works are to be completed by a licensed plumber and drainer.

5. Building Finishes

In accordance with the stamped and approved Statement of Environmental Effects submitted in support of the proposed development and the adopted Armidale Dumaresq Development Control Plan 2012, the brick façade of the 1937 Council Chambers shall be retained without any painting or rendering.

6. Crime Prevention

The development should be undertaken having regard to the recommendations of the Applicant's Crime Prevention analysis, as follows:

- The undercroft carpark is to remain visible from the Cinders Lane edge and retain a reasonable level of visual surveillance from there. To aid visibility, security camera surveillance shall also be installed in the carpark. Lighting will be designed to meet relevant Australian Standards, including transitional lighting and ensuring that there are sufficient lighting levels for facial recognition. This should be combined with bright painting of the interior surfaces of the car park, to enhance users' feelings of security safety and visibility;
- Public lighting and cameras are to be incorporated throughout the landscaped links between the Library, Town Hall and CAB;
- Plantings, fencing and furniture items shall be selected in order to maintain visibility and eliminate of places of concealment in the building fit out;
- Careful attention will need to be given to both visibility and lighting to ensure safe conditions for users of the fire stair adjoining Cinders Lane and the stair link between the proposed courtyard adjacent to the Town Hall and the basement car park. Balustrading adjacent to the sloped garden area in this area should be of an open style so visibility is maintained adjacent to the Town Hall fire stairs;
- Installation of appropriate wayfinding signage;
- Incorporation of high quality /robust materials in the public domain, to increase longevity, lessen the likelihood of damage and help manage future maintenance costs;
- A Security Management Plan should be developed in conjunction with the Police, Council's security contractor and Property Management unit, to specifically address the closure of the undercroft and courtyard areas after normal operating or Town Hall performance hours; and the means by which that can best be achieved.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

7. Compliance with Building Code of Australia

The plans accompanying the Construction Certificate are to demonstrate compliance with the Building Code of Australia. Plans are to be submitted to the Accredited Certifying Authority for authentication of BCA compliance and issue of a Construction Certificate.

Note- Should the configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified

8. The applicant for a Construction Certificate must include details of associated buildings and fire compartments and clarify if there are any proposed alternate solutions, or any united buildings proposed in accordance with Part A4 of the BCA.

Note - The development consent permits the partial or whole consolidation of allotments if required without the requirement of a modification of the development consent for the purpose of achieving compliance with the Building Code of Australia. It is noted that any proposed consolidation of allotments will require registration with the NSW Land Titles Office prior to the issue of an Occupation Certificate.

9. Structural Engineer Design Documentation for all reinforced concrete and structural steel work in the proposed building/s must be submitted with the application for a Construction Certificate and the designs will need to include all structural works associated with retaining the existing blue brick façade. Where applicable, the structural engineering documentation will also need to include design details of all work that is located within the zone of influence of council's sewer and stormwater mains infrastructure.

10. Heritage Requirements

Prior to issue of the Construction Certificate, the applicant is to obtain an appropriate approval under the NSW Heritage Act for the removal of the archaeology associated with the former west wing of the Armidale Town Hall. Any such application should be accompanied by an appropriately detailed significance assessment.

11. Existing Services

Details of existing services, methods of protection during construction and relocation (if required) to the satisfaction of relevant authority are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

ADVISING: There are a number of underground and overground utility services (Essential Energy cable and transformer, Telstra cable, Council's water, sewer, stormwater, electrical, CCTV cable and fibre optic line) running across the Cinders Lane car park area that may be affected by the construction works for the proposed

development. The fibre optic link between the server room in the basement of the CAB and the Server Room on the second floor of the existing Library runs along the southern side of Cinders Lane in the Essential Energy conduit. It is imperative that the existing optic fibre link be retained during the whole of the proposed development phase. Council disaster recovery and backup processes rely on this link between the two sever rooms. Existing Flue structure situated at the north eastern side of the Civic Administration Building (CAB) which has been proposed to remove contain exhaust pipe for back up generator located in CAB basement car park. This exhaust pipe is important in the operation of backup generator in the event of a power outage. This exhaust will need to remain operational and vandal proof during and after construction is completed. Further information may be sought from Council's Utility Department, Property Department and Information Technology Department while preparing the services plan.

12. Sewer and Drainage Works

Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any water supply work, sewerage work, stormwater drainage work or on-site waste water management system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 prior to the issue of a Construction Certificate for the development.

13. All sewer and drainage works associated with this approval are to comply with the requirements of AS 3500 (current edition). Sewer and drainage works are to be completed by a licensed plumber and drainer.

14. Stormwater

Protection of the development by provision of underground drainage pipelines to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing stormwater facility in Cinders Lane. Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

15. Telecommunications and Electricity Services

Written advices from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to the development, are to be submitted to the relevant certifying authority before the issue of a Construction Certificate.

16. Materials to be Submitted

Details of materials and finishes, including colours, are to be submitted for the approval of the relevant Certifying Authority in order to preserve the existing streetscape in Rusden Street. External building materials are to be selected to match those of the existing building in colour, texture and substance, to ensure that the new building is visually compatible with the existing development. Samples are to be

provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

17. Construction Management Plan

The submission of a detailed Construction Management Plan for the approval of the Certifying Authority, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- Location of all public and Council's internal utility facilities and methods of protecting them.
- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
- Public parking during construction.
- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management Plan.
- Provision of sanitary amenities and ablution facilities for employees.
- Fire precautions during construction.
- Dust suppression.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
- Public footpath being protected from any paint spillages or other damage while work is being carried out.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Method of support to any excavation adjacent to adjoining properties, or the road reserve.

ADVISING: The chief contractor involved in the development should contact Council's Local Traffic Committee and Rangers Team Leader if they wish to make arrangement for temporary parking arrangements for the duration of the building work

18. Erosion and Sediment Control

The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual "Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004", shall be lodged for approval of the certifying authority with the application for a Construction

Certificate for each Stage of the development. The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

19. Footpath Treatment

Cinders Lane and O'Connor Place footpath is to be segmental paved for its full width in accordance with Council's preferred surface treatment strategy for the full frontage of the site (excluding the proposed vehicular footpath crossings), to cater for the expected increase in pedestrian activity and provide an attractive and functional public pedestrian area prior to the issue of an Occupation Certificate. Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

20. An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways. The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012. Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

21. Lighting

A Lighting Design and Management Plan for the development is to be provided for the approval of Council's Director Sustainable Planning and Living or his nominee before the release of a Construction Certificate, to address:

- Construction Safety Lighting;

- Lighting to pedestrian ways, building entries, driveways and carpark to ensure a high level of safety and security;
- Street lighting on and adjacent to the frontages of the site.

All lighting is to be designed by a suitably qualified person experienced in illumination design, having regard to relevant Australian Standards, in particular AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting - to ensure the amenity of adjoining properties is maintained.

A lighting assessment of the development frontage in Cinders Lane is to be undertaken to identify levels of lighting required post development to provide safe access for pedestrians and improve surveillance in the areas.

New street lighting is to be provided if required, and thus maintain visibility and safety for pedestrians and vehicles. The applicant is to liaise with the relevant electricity provider with regard to street light standard and location.

22. Food Premises – Design and Construction

The design and construction of food premises must:

- be appropriate for the activities for which the premises are used;
- provide adequate space for the activities to be conducted on the food premises and/or the fixtures, fittings and equipment used for those activities;
- permit the food premises to be effectively cleaned and sanitised; and
- exclude dirt, dust, fumes, smoke and other contaminants; and
- not permit the entry of pests, and not permit any harbourage for pests,

in accordance with the Australia and New Zealand Food Safety Authority *Food Safety Standards* and to ensure the public health and safety of patrons and staff. A copy of the Standards can be downloaded from the ANZFA website <http://www.foodstandards.gov.au>

Details to be submitted for the approval of the Council's Environmental Health Officer before the issue of a Construction Certificate for the project.

23. Trade Waste

Council's approval must be obtained by a detailed application under the Local Government Act 1993, for the discharge of any trade waste or chemical material into Council's sewerage system, to prevent any unauthorised use of the system. The application must be approved prior to the issue of a Construction Certificate for the development.

24. Air Handling and Warm Water Systems

Details of the air-handling system and any warm-water systems must be supplied prior to issue of a Construction Certificate. These may prove to be a 'regulated system' as defined in the *Public Health Act 2010* and requirements of this Act and Regulation and AS/NZS 3666 will apply.

25. Noise Attenuation

Details of noise attenuation measures are to be provided for the approval of the relevant Certifying Authority prior to the issue of a Construction Certificate. The acoustic consultant shall certify that noise attenuation measures have been completed in accordance with the report prior to the issue of an Occupation Certificate for the development.

Noise from mechanical plant shall not exceed the background level by more than 5dB at the boundary of the nearest residential property.

26. Contributions

The owner is required to pay a contribution towards water and sewer infrastructure provided by Council for the benefit of this site in accordance with Council's Development Servicing Plan for Water and Sewerage before the issue of the Construction Certificate.

ADVISING: At the date of determination the applicable contributions are \$56,384.25. Please be advised that contributions are indexed annually at the end of each financial year. Contributions applicable at the date of payment can be reviewed on the 'On-line Services' on Council's website.

PRIOR TO COMMENCEMENT OF WORKS

27. Construction Certificate

A Construction Certificate must be obtained before the work commences, in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

28. Notice of Commencement & PCA

The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cls 103, 103A and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is to be given using the form enclosed with this consent.

For development involving both building and subdivision work authorised by the same development consent, separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the Environmental Planning & Assessment Act 1979.

29. Peg-Out Survey

Prior to works commencing on the site, the relevant Certifying Authority is to be provided with a peg out survey confirming that the proposed Library will be contained within the boundaries of the property and not encroach onto adjoining Council land.

PRIOR TO DEMOLITION

30. Photographic

Record

Prior to demolition a full archival record of the 1937 Council Chambers should be made in accordance with the NSW Heritage Council publications “How to Prepare Archival Records of Heritage Items” and “Photographic Recording of Heritage Items Using Film or Digital Capture”. The story of local government in the Armidale Dumaresq district and the role of the 1937 Council Chambers within this story should be interpreted within the Armidale War Memorial Library.

DURING DEMOLITION

31. Demolition

All demolition is to be carried out in accordance with AS2601 – Demolition of Structures, to ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000 and Work Health and Safety Regulation 2011.

ADVISING: Further information regarding asbestos can be found at the WorkCover NSW website: <http://www.workcover.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx>

A list of licensed asbestos removalists or demolition services is also available on the WorkCover NSW website: <http://www.workcover.nsw.gov.au/online-searches/Pages/adl-search.aspx>

32. Asbestos

In accordance with the *Environmental Planning and Assessment Regulation 2000* - Development involving bonded asbestos material and friable asbestos material

- a. work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2011*,
- b. the person having the benefit of the development consent must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the consent commences,
- c. any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
- d. if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that

all the asbestos material referred to in the contract has been received by the operator.

In this clause, ***bonded asbestos material***, ***bonded asbestos removal work***, ***friable asbestos material*** and ***friable asbestos removal work*** have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the Occupational Health and Safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Note 4. Demolition must be carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

33. Contamination

Should any soil contamination be discovered during demolition, compliance with the provisions of State Environmental Planning Policy 55 shall be achieved prior to the continuation of works.

34. Excavations and Retaining Walls

Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

Any proposed retaining wall is not to impede overland stormwater flows from adjoining properties. Provision is to be made within the site to redirect stormwater at ground level from the rear of the retaining wall to a legal point of discharge, to protect the site and adjoining property from the effects of flooding.

DURING EXCAVATION

35. Excavation

Initial subsurface excavation in the area of moderate archaeological potential indicated in the Archaeological Assessment of the New Library Precinct 2013 must be monitored by a suitably qualified archaeologist in accordance with NSW Heritage

Council guidelines. If archaeological remains are encountered, development work in this area should cease until the remains are fully recorded and any artefacts collected. Findings should be reported in accordance with the guidelines for reporting archaeological monitoring.

36. Aboriginal Artefacts

In the event that Aboriginal objects or artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Office of Environment and Heritage) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:
<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

37. European Heritage

In the event that any relics, being any deposit, artefact, object or material evidence that:

- a. relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b. is of State or local heritage significance,

are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Dumaresq Council, of the find and await further advice before proceeding with the development.

DURING CONSTRUCTION

Construction Management

38. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

39. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

40. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
41. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
- identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).
42. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

Any proposed retaining wall is not to impede overland stormwater flows from adjoining properties. Provision is to be made within the site to redirect stormwater at ground level from the rear of the retaining wall to a legal point of discharge, to protect the site and adjoining property from the effects of flooding.

ADVISING: Should excavation identify any Aboriginal or European relics you will be required to cease work and follow the relevant procedures in the National Parks and Wildlife Act 1974 or the Heritage Act 1977. Further details are provided under the heading 'ADVICE' in this consent.

43. Roof and surface stormwater from paved and impervious areas is to be collected and directed to the existing stormwater infrastructure in Cinders Lane, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately once the roof and guttering is installed.
44. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to

as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

45. Toilet on Site

Toilet facilities are to be provided at, or in the vicinity of 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 connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

46. Retention of Topsoil

The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established.

47. Hoarding / Fence

A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) - Temporary fencing and hoardings and be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

48. Construction Hours

The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution

49. Non Slip Paving

Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas within the development, to ensure safe public use of these areas.

50. Outdoor Lighting

Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.

51. Construction Signage

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:

- a. showing the name, address and telephone number of the principal certifying authority for the work, and
- 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 work site is prohibited.

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

Note. *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

52. Conceal Waste Pipes

Pipes, stack work and vents (below the roof line) are to be concealed to prevent their deterioration and improve the aesthetics of the building.

53. Inspections

Should Council be appointed the Principal Certifying Authority, the Applicant must give at least 2 days' notice to enable the following inspections to be undertaken where appropriate for the class of building:

- after excavation of, and before the pouring of the first footing **
- before covering drainage (under hydrostatic test)
- prior to pouring any in-situ reinforced concrete building element**
- before covering the framework for any wall, roof or other building element **
- before covering waterproofing in any wet area **
- before covering any stormwater drainage connections **
- when the building work is completed and before the issue of an occupation certificate **

** denotes a critical stage inspection (a mandatory inspection pursuant to Section 109E of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

54. Occupation Certificate

An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning & Assessment Act 1979 and to ensure the health and safety of the building's occupants. In this regard any proposed consolidation of allotments required to achieve compliance with the building code of Australia must be registered with the NSW Land Titles Office prior to the issue of an occupation certificate.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation.

55. Works as Executed Plans

One set of print film copies of "work as executed" plans are to be provided to Council for works carried out on Council property or benefiting Council prior to the issue of a Final Occupation Certificate. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

56. Access for People with Disabilities

Access/facilities for people with disabilities are to be provided in accordance with the Building Code of Australia before the issue of an Occupation Certificate for the development, and maintained thereafter.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice

57. Fire Safety Certificate

A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the Certifying Authority prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the Commissioner of NSW Fire Brigades and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000

58. Parking Facilities

Provision of 116 off-street parking spaces to serve the development (as shown on the approved plans and in accordance with Council's Development Control Plan 2012, Chapter 2.9) is to be completed before the issue of an Occupation Certificate, to ensure these facilities are available before the use commences.

Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings prior to the issue of a Final Occupation Certificate.

Bicycle facilities to serve the proposed development are to be completed before the issue of an Occupation Certificate. Provision of facilities to be in accordance with Council's Parking Code.

ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Development Control Plan 2012, Chapter 2.9. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

59. Loading Bays

Loading bays in connection with the approved use is to be provided before the issue of an Occupation Certificate for the proposed development, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.

Vehicular Footpath Crossings

60. Completion of two vehicular footpath crossings in Cinders Lane in accordance with Council's Specification before the issue of an Occupation Certificate, to ensure the availability of effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath.

61. The redundant vehicular footpath crossings in O'Connor Place and Cinders Lane are to be removed and footpath and kerb and gutter reinstated to the satisfaction of Council's Development Engineer or nominee prior to the issue of a Final Occupation Certificate for the development.

62. Footpath Treatment

Cinders Lane and O'Connor Place footpath is to be segmental paved for its full width in accordance with Council's preferred surface treatment strategy for the full frontage of the site (excluding the proposed vehicular footpath crossings), to cater for the expected increase in pedestrian activity and provide an attractive and functional public pedestrian area prior to the issue of an Occupation Certificate.

63. Reinstatement of Infrastructure

Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to an acceptable standard prior to issue of the Occupation Certificate, as determined by Council's Director Public Infrastructure or nominee.

64. Landscaping

The proposed development shall be landscaped in accordance with the stamped and approved landscape plans. New tree planting to be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs, roots, etc. Approved landscaping is to be maintained at all times to the satisfaction of the Director Sustainable Planning and Living or nominee.

65. Registration of Closed Laneway

Prior to the issue of the Occupation Certificate, the registration with the NSW Land Titles Office of the section of closed laneway to the east of Lot 15 in DP 758032 and the west of Lot 18 in DP 837491 shall be completed.

66. Lighting

Demonstrate compliance with *Australian Standard AS1158.3.1 Pedestrian area (Category P) lighting – Performance and installation design requirements* in terms of illumination levels for spaces identified in the CPTED assessment.

67. Food Premises

A written notice is to be provided to Council advising of the commenced use of the food premises prior to the issue of an Occupation Certificate, in accordance with the Food Act 2003 and to ensure the business is placed on Council's register of food premises.

68. Construction of Food Premises

Construction of the food premises is to be completed in accordance with the approved design and inspected by Council's Environmental Health Officer prior to the issue of an Occupation Certificate, to ensure the public health and safety of patrons and staff.

OPERATIONAL MATTERS

69. Fire Safety Statement

An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the Commissioner of NSW Fire Brigades and an additional copy to be displayed in a prominent location within the building.

70. Outdoor Lighting

Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.

71. Waste Management

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

72. Hours of Operation

The hours of operation being limited to between 7am to midnight Monday to Sunday so as not to affect the amenity of the locality.

ADVICE

1. This development consent does not permit the erection of any advertising signage. If signage is proposed to be erected, it is recommended that the developer/owner consult with Council's Development Control Unit to confirm whether development consent is required under current planning legislation.
2. The NSW Police have provided the following comments for the proponent to note with regard to Crime Prevention Through Environmental Design (CPTED):
 - Lighting – ensure there is appropriate lighting around the building and in the car park area at night, particularly in the small space located between the proposed library building and the Town Hall. This will ensure maximum natural surveillance and assist in the prevention of graffiti, property and street related crime.
 - CCTV – ensure the installation of additional cameras, as required, in Cinders Lane, Rusden Street, entry and exit points and the car parking areas.
 - Gates – ensure appropriate lockable gates are installed at all access points to the car park, particularly the stairwell from the car park up to the area between the Town Hall and the proposed library. It is suggested that the car park be locked at night after the library / Town Hall closes.
 - The Police are happy to assist the applicant with the development of a Security Management Plan.
3. Consultation shall be undertaken by Armidale Dumaresq Council with current tenants of the 1937 Council Chambers prior to commencement of demolition.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979:

None yet sought.

General terms of other approvals integrated as part of this consent: n/a

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees Council will review the determination under the provisions of Section 82A.



Shane Burns
GENERAL MANAGER

Date: 25 September 2013

**NOTIFICATION OF COMMENCEMENT OF WORK AND
APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY FORM**
made under the *Environmental Planning and Assessment Act 1979* s. 81A(2) or (4), 86(1) and (2)

1. Applicant Details

Name	Company/Organisation	
<input type="text"/>		
Street Address/Postal Address		
<input type="text"/>		
Town	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email Address	Telephone	Mobile
<input type="text"/>	<input type="text"/>	<input type="text"/>

2. Property Details

Property Street Address	Lot and DP Number	
<input type="text"/>	<input type="text"/>	
Town	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

3. Description of Development

Is the Council the Principal Certifying Authority

YES <input type="checkbox"/>	NO <input type="checkbox"/>	If NO, provide details of the Principal Certifying Authority
Certifier's Name		Certifier's Accreditation Number
<input type="text"/>		<input type="text"/>
Company/Organisation		
<input type="text"/>		
Address	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email Address	Telephone	Mobile
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. Principal Certifying Authority

Is the proposal for:

BUILDING WORK <input type="checkbox"/>	SUBDIVISION WORK <input type="checkbox"/>		
Development Consent	DA Number	CDC Number	CC Number (not required for CDCs)
Date of Determination:	<input type="text"/>	<input type="text"/>	<input type="text"/>

5. Compliance With Consent

Have all conditions required to be satisfied prior to the commencement of work been implemented?

YES <input type="checkbox"/>	NO <input type="checkbox"/>	If NO, work MUST NOT COMMENCE
Date work is to commence		
<input type="text"/>		

6. Declaration

I declare that the above information is, to the best of my knowledge, true and correct.

Print Applicant's Name	Signature	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>

The Law In Detail:

Pollution from building and construction sites is regulated under the Protection of the Environment Operations Act 1997 (POEO Act). Under this Act it is an offence for anyone to let any substance other than rainwater enter a waterway including the stormwater system. The Council and the Department of Environment and Conservation (DEC) can issue notices and penalties on building and construction sites to protect the environment.

There are three kinds of notices:

- **Clean up notices** can be issued to require clean up of sites.
- **Prevention notices** can be issued if an activity is being carried out or is suspected to be carried out in an environmentally unsatisfactory manner. The prevention notice requires certain action to be taken and can be appealed in the Land and Environment Court.
- **Prohibition notices** can be issued to require work to cease for a given time.

When a company receives a Clean up or Prevention Notice they may be liable for a \$320 administration fee. They can also be charged with all costs incurred by the DEC or Council to ensure compliance with the notice.

As well as notices there are three levels of offences that apply to building and construction sites if they pollute the environment.

- **Tier 1 Offences** are the most serious and involve willful or negligent behaviour resulting in harm to the environment. The penalty is up to \$1 million and 7 years imprisonment in defending against a Tier 1 offence the company or individual will need to show that they had no control over the pollution event and that they took reasonable precautions and exercised due diligence to prevent the offence.
- **Tier 2 Offences** have a maximum penalty of \$250,000 for a corporation and \$120,000 for an individual. Further daily penalties apply to continuing offences.
- **Tier 3 Offences** are dealt with by penalty infringement notices, similar to speeding fines. These notices impose a fine that can be paid or defended in court. The maximum penalty is \$1500 for a corporation or \$750 for an individual.

Public Register of Notices: Councils and the DEC are required to keep a public register of all companies and individuals who are issued notices. So in addition to fines and lost time in clean up, companies who pollute also risk damaging their reputation. This is a blot on the record to do when the public are becoming more and more concerned about the environment and are starting to look at a company's environmental record when deciding which company to use.

If you have a pollution incident which harms the environment under the POEO Act, you have a duty to notify the Council or the DEC. They can then work with you to minimise the harm to the environment. The maximum penalties for failing to notify them are \$250,000 for corporations or \$120,000 for individuals. Further daily penalties apply to continuing offences.

Acknowledgement:

Information from the Southern Sydney Regional Organisation of Councils.

Do It Right On-Site

Soil and Water Management for the Construction Industry

'Do It Right On-Site' is a project to help the construction industry protect the environment and achieve the many benefits that come from doing so.

Impact of the building and construction industry on the Environment:

The Building and Construction industry has a large impact on the environment, in particular our waterways. Sand, soil, cement slurry, paint and other building materials that enter our waterways kill fish and aquatic plants, silt up streams and block stormwater pipes, leading to increased flooding events and degraded streams.

Due to the increasing number of construction sites, even small amounts of pollution from each site is enough to cause significant damage to our water ways.

Together we can make a difference.

Who is responsible for ensuring there is no pollution from the site?

Everyone! Under legislation anyone who places material into the stormwater system or even in a position where it may enter the stormwater system is guilty of an offence. Depending on the extent of the pollution, penalties range from on-the-spot fines of \$750 to \$1 million (or 7 years in gaol). It is the **Build On Site Supervisors** responsibility to ensure that all workers on site, including sub-contractors, do not breach environmental laws. Workers have a responsibility under the law to notify their supervisors if they see a pollution incident that harms the environment. If the supervisor cannot be contacted workers should notify the Council on 6770 3600.



What Are The Benefits of Preventing Pollution? Benefits to the Builder

- ✓ A better looking and more saleable site
- ✓ Reduced clean up costs
- ✓ Less mud and dust problems
- ✓ Improved occupational health and safety on site
- ✓ Money saved due to reduced stockpile losses
- ✓ Improved drainage and reduced site wetness which will result in less downtime, earlier completion and earlier sales!
- ✓ Fewer public complaints
- ✓ No fines, no problems with Council
- ✓ Better image within the community
- ✓ Marketing advantage to win work from environmentally conscious clients
- ✓ Better finishing due to improved water quality

Benefits to the Owner

- ✓ Reduced site rehabilitation/landscaping costs because the soil and vegetation is still on the site!
- ✓ Peace of mind knowing that their home has not caused damage to the environment
- ✓ Less chance of flooding as the stormwater drains are not clogged up with sediment

Benefits to the Community

- ✓ Less risk of flooding
- ✓ Healthier water ways with more plants and animals
- ✓ Increased recreational opportunities in and around our water ways
- ✓ Increased sales as surrounding environment is more attractive

How Can You Prevent Pollution From The Site?

Step 1: Planning

Assess the extent of the proposed disturbance of the site as a result of development work. Prepare a Soil and Water Management Plan that outlines the methods you will use to prevent pollution of the stormwater system throughout the life of the construction period. There may be different controls needed as the site develops due to changes in drainage patterns and location of building materials.

Step 2: Installation of soil and water controls

Set up the soil and water controls. A recommended sequence for doing this is:

- 1) Establish a single stabilized entry/exit point
- 2) Install sediment fence(s) along the low side of the site
- 3) Divert upslope water around the site and stabilize channels
- 4) Clear only the areas necessary - fence off no go areas where vegetation is to be kept - and plan the staging of work to minimise the amount of soil exposed at any time. Revegetate any areas that will be left exposed for more than 14 days.
- 5) Store stockpiles on site and place sediment controls around them. If storage is not available on site, seek Council approval for an offsite storage area with pedestrian access and appropriate soil and water controls
- 6) Stabilise exposed earth banks (use vegetation or erosion control mats, put sediment fence down slope)
- 7) Install on-site waste receptacles (mini-skips, bins, windproof litter receptacles)
- 8) Commence building activities
- 9) Install roof down pipes prior to frame inspection

Step 3: Maintenance of soil and water controls

Soil and water controls should be checked daily to ensure that they are operating effectively.

Maintenance that will be required includes:

- Removing sediment collected by sediment fences and catch drains
- Topping up the gravel on the stabilized entrance way
- Repairing erosion in drainage channels
- Inspecting roadways and gutters and sweeping up any sediment.

Remember that the soil and water controls may need to be modified if the slope and drainage paths are changed as the site developed. Best practice includes anticipation of risks as well as being prepared for abnormal circumstances and emergencies eg storage of cleanup materials and extra sediment fences on site, just in case.

Step 4: Finalisation of site

Ensure the site is stabilised - no exposed soil remains before removing the soil and water controls. If landscaping is not completed prior to handover ensure that the new owners are aware of their responsibility to prevent pollution from entering the stormwater system.

Ways you can reduce erosion & control sediment on a building or construction site

Follow these site management practices and you will help reduce impact on our waterways ...

● LIMIT DISTURBANCE WHEN EXCAVATING

Preserve as much grassed area as possible as not only does it improve the appearance of your site, it also filters much of the sediment from stormwater runoff before it reaches the drainage system.

● CATCH DRAINS AND PERIMETER BANKS

Where possible 'line' for diversion of up slope stormwater around the work site and other disturbed surfaces.

Fixed rear poles driven firmly into ground

Groundside rear fabric

DIRECTION OF FLOW (disturbed area)

600mm mat

150mm underground

● INSTALL A SEDIMENT BARRIER

Sediment barriers down slope of the building site filter coarse sediment before it can wash into gullies, drains and waterways.

You can ...

- stretch geotextile sediment fabric to posts with the fabric buried in an up slope trench or
- place screw piles, called in a 10mm (minimum) deep trench, or
- place surf of a 40mm (minimum) width along the tarp line.

● SINGLE GRAVELLED ENTRY/EXIT

Restrict vehicle access to one entry/exit point where possible. Adding gravel to the access points will allow all weather entry/exit, will reduce the amount of soil carried off the site by vehicles, and will provide a permanent base for the driveway.

● LITTERLAND WASTE CONTROL

All hard waste and litter must be stored on site in a way to prevent any materials from entering the stormwater system & adjacent areas by wind or water action.

● CLEAN AND CLEAR FOOTPATH & ROADWAY

● EARLY STORMWATER DRAINAGE CONNECTION

Connect temporary or permanent downpipes to the stormwater system before laying the road or drive and spread the flow from downpipes to avoid localised erosion. All stormwater should discharge in a way that does not cause soil erosion.

● CONCRETE WASTE AND WASHING

Wash equipment in a designated area of the site that does not drain to the stormwater system.

● SAND AND SOIL STOCKPILES

Place stockpiles wholly on the construction site and behind a sediment barrier. Soil or cement should be covered at the end of each day if excessive wind or rain is likely.



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