

**JOINT REGIONAL PLANNING PANEL
(Northern Region)**

JRPP No	2014NTH013
DA Number	DA14/0475
Local Government Area	Tweed Shire Council
Proposed Development	Demolition of existing commercial building and construction of police station (Tweed/Byron Local Area Command), incorporating carparking, landscaping, signage, civil works, awning over public footpaths and consolidation of allotments.
Street Address	No. 83 Wharf Street, Tweed Heads, NSW, 2485
Applicant	Newton Denny Chapelle
Owner	Centa Tweed Pty Ltd
Number of Submissions	Three submissions were received during the exhibition period
Regional Development Criteria (Schedule 4A of the Act)	Crown development and has a capital investment value of more than \$5 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <u>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</u> State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage State Environmental Planning Policy (SEPP) No 71 – Coastal Protection State Environmental Planning Policy (SEPP) (Infrastructure) 2007 Tweed City Centre Local Environmental Plan 2012 • <u>List any relevant development control plan: s79C(1)(a)(iii)</u> Tweed Development Control Plan Section A2-Site Access and Parking Code Tweed Development Control Plan Section A3-Development of Flood Liable Land Tweed Development Control Plan Section A4-Advertising Signs Code Tweed Development Control Plan Section A5-Subdivision Manual Tweed Development Control Plan Section A11-Public Notification of Development Proposals

	<p>Tweed Development Control Plan Section A15 – Waste Minimisation and Management</p> <p>Tweed Development Control Plan Section B2-Tweed Heads</p> <ul style="list-style-type: none"> • <u>List any coastal zone management plan: s79C(1)(a)(v)</u> Tweed Shire Coastline Management Plan 2005 Coastal zone Management Plan for Cobaki and Terranora Broadwater • <u>List any relevant regulations: s79C(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288</u> Clause 92(a) Government Coastal Policy Clause 92(b) Applications for demolition
List all documents submitted with this report for the panel's consideration	Section 79C Assessment Report including proposed conditions of consent.
Recommendation	Approval with conditions
Report by	David O'Connell (Town Planner)

Assessment Report and Recommendation

FILE NO: DA14/0475

REPORT TITLE:

Development Application DA14/0475 for the Demolition of Existing Commercial Building and Construction of Police Station (Tweed/Byron Local Area Command), Incorporating Carparking, Landscaping, Signage, Civil Works, Awning Over Public Footpaths and Consolidation of Allotments (JRPP) at Lot 30 Sec 4 DP 4043; No. 22 Beryl Street; Lot 1 DP 329246, Lot 29 Sec 4 DP 4043 & Lot 31 Sec 4 DP 4043; Lot 2 DP 329247; Lot 3 DP 329248; Lot 4 DP 329249; No. 83-89 Wharf Street TWEED HEADS; Wharf Street TWEED HEADS

SUMMARY OF REPORT:

Tweed Shire Council received DA14/0475 on 28 July 2014. The proposal seeks to obtain consent for the demolition of all existing structures on the site and construction of a 16m high Police Station building (Tweed Byron Local Area Command) with a total gross floor area of 3099m². A total of 66 vehicle parking spaces are proposed as part of this development. The project includes landscaping, signage, civil works, dewatering and provision of an awning over the public footpath. The proposal also involves the amalgamation of all allotments into a single title. The development will be staged as follows:

Stage 1

- Demolition of all existing structures on the land.

Stage 2

- Erection of the proposed Police Station and associated works; and
- Amalgamation of allotments into a single title.

The estimated contract price of the Crown development is \$12,461,000 and accordingly the application has been referred to the Joint Regional Planning Panel for determination.



Figure 1: Existing Site in Context

The application was placed on public exhibition for a 30 day period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received three written submissions, which are addressed in detail elsewhere in this report.

The application was lodged and assessed as Integrated Development having regard to the Water Management Act 2000 with respect to dewatering to be undertaken during the construction of the development. The NSW Office of Water has recommended General Terms of Approval for the proposed works.

The application was reviewed by the NSW Roads & Maritime Service (RMS) in accordance with SEPP (Infrastructure) 2007 at a Development Traffic Advisory Group (DTAG) as the development provides parking for 50 or more motor vehicles. The RMS raised no concerns with respect to the proposal.

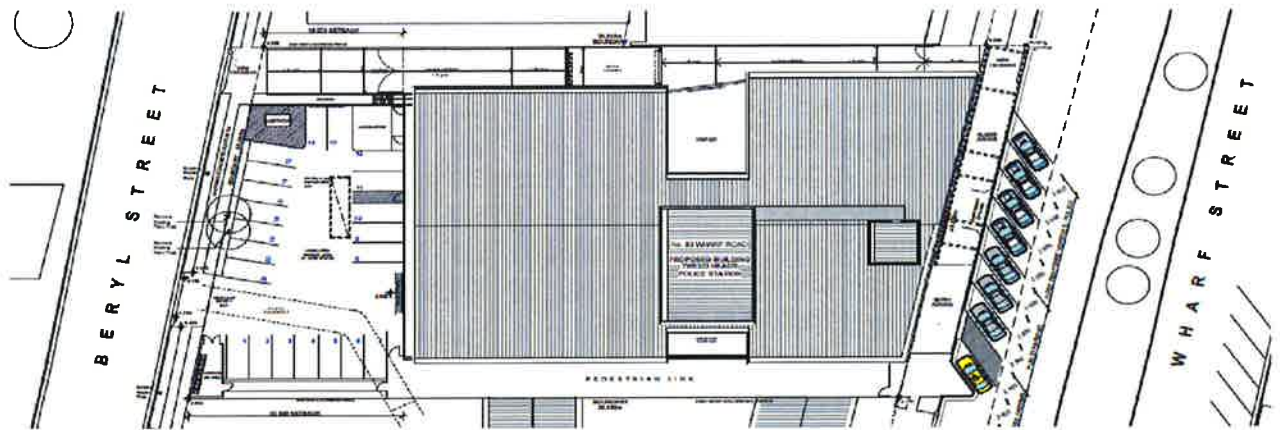


Figure 2: Proposed Site Plan

The proposed development is considered suitable for the site as it is a permissible form of development and the relevant planning considerations have been taken into account in the assessment of the application. This report incorporates recommended conditions of consent.

It is noted that Council was previously in receipt of an application over this site for a combined Police Station/Courthouse development. Concerns were raised by Council officers with respect to the provision of vehicular parking on the site and this application was subsequently withdrawn by the proponent.

REPORT:

Applicant: Newton Denny Chapelle

Owner: Centa Tweed Pty Ltd

Location: Lot 30 Sec 4 DP 4043; No. 22 Beryl Street; Lot 1 DP 329246 & Lot 29 Sec 4 DP 4043 & Lot 31 Sec 4 DP 4043; No. 83 Wharf Street; Lot 2 DP 329247; No. 85 Wharf Street; Lot 3 DP 329248; No. 87 Wharf Street; Lot 4 DP 329249; No. 89 Wharf Street TWEED HEADS; Wharf Street TWEED HEADS

Zoning: B3 Commercial Core

Cost: \$12,461,000

BACKGROUND:

The Site

The proposed site is located on land zoned as the 'Commercial Core' of Tweed Heads and is located approximately 85m to the south-west of the Centro Tweed Shopping Centre. The site itself is rectangular in shape, with road frontage to both Wharf Street to the east and Beryl Street to the west. Total frontage to these roads is 45.5m and 45.25m respectively.

The site currently contains a retail development (Tweed Village Shopping Centre) and associated parking which is to be demolished as part of this application to facilitate the proposal. There is minimal landscaping vegetation currently provided to the site.



Figure 3: Land subject to this application

The proposed development is located over a total of seven separate allotments over which the Tweed Village Shopping Centre is currently located, as identified in Figure 3 above. The legal lot descriptions which comprise the site are:

SITE ADDRESS	LEGAL DESCRIPTION	SITE AREA
83 Wharf Street	Lot 1 DP 329246	373.1m ²
83 Wharf Street	Lot 2 DP 329247	486.9m ²
83 Wharf Street	Lot 3 DP 329248	366.7m ²
83 Wharf Street	Lot 4 DP 329249	480.6m ²
83 Wharf Street	Lot 29 Section 4 DP 4043	594.4m ²
83 Wharf Street	Lot 30 Section 4 DP 4043	594.4m ²
83 Wharf Street	Lot 31 Section 4 DP 4043	594.4m ²
TOTAL LAND AREA		3,490m²

As noted above, the Centro Tweed Shopping Centre is located to the north-east of the site, with other development in close proximity including a combination one and two storey retail and commercial premises. Beryl Street predominately contains a series of dwelling houses, many of which have been converted to office and commercial premises. To the immediate south of the subject site is the "Tweed Central Motel", which is a two storey building. The Motel building is constructed on the eastern portion of the land, whilst the rear area is utilised for car parking.

The shopping centre currently has two vehicular access points, from Wharf Street and Beryl Street.

Proposed Development

OVERVIEW

The proposal seeks consent for the demolition of all existing structures on the site and construction of a 3 storey building to house a Police Station (Tweed Byron Local Area Command). The project includes car parking, landscaping, signage, civil works, dewatering and provision of an awning over the public footpath. The proposal also involves the amalgamation of all allotments into a single title. The development will be staged as follows:

Stage 1

- Demolition of all existing structures on the land.

Stage 2

- Erection of the proposed Police Station and associated works; and
- Amalgamation of allotments into a single title.

DEMOLITION

The proposed demolition works include the Tweed Village Shopping Centre currently operating on the subject site. This shopping centre is constructed in an 'L' shape and covers a total area of approximately 1,465m² on the site, being single storey in design. A pylon sign, located on the site to the Wharf Street frontage would also be removed as part of this application. The remainder of the site is mainly utilised for the purposes of surface carparking and access ways, which would also be demolished as part of this application.

POLICE STATION DEVELOPMENT

The proposed development is to operate on a 24 hour per day, seven day per week basis given its nature as a Police Station. The submitted application advises that the proposed building has been designed to accommodate a total staff of 151 (working in shifts) persons. The maximum number of staff to be rostered on to a major shift is 70; however this number would only be in attendance in the event of an 'exceptional circumstance'. In normal circumstances, the maximum number of staff in the building will be approximately 48.

The built development has a maximum height of 16m and covers a gross floor area (GFA) of 3099m², with development over four levels, provided as follows;

Ground Floor

The ground floor of the building fronting Wharf Street comprises the main public entrance to the Police Station with a lobby area provided to the ground level with stair and lift access provided to the upper levels. It is noted that the proposal also incorporates an awning over public road reserve to this Wharf Street elevation. Elsewhere to the ground level, a secured car park with a total of 45 vehicle parking spaces is proposed, which are accessed from the Beryl Street elevation. A number of store rooms are also provided internal to this secure car parking area and a car wash area. A further 21 parking spaces are provided at the rear of the building adjacent to Beryl Street which are for customer parking. The ground level contributes approximately 32m² to the overall GFA.

Level 1

This level of the building contains the public foyer, customer service counter and waiting areas. A variety of general office areas and storage rooms are provided on site together with training areas, charge rooms and custodial cells within the secure zone. A ramp along the northern side of the building provides access for vans to a secure dock for the transfer of persons in custody. Two landscaped courtyards are also provided at this level, to the centre of the site. This level has a stated GFA of 1435m².

Level 2 contains further office space as well as briefing and conference rooms. Staff amenities including male and female lockers, fitness room and meals room are also provided to this level which is indicated as having a GFA of 1632m².

Level 3

This level consists of a plant room only, with a stairwell and roof walkway platform to provide access. None of this area is provided towards the GFA calculation area.

The proposed development would be classified as a *public administration building* under the provisions of the Tweed City Centre Local Environmental Plan 2012, defined as:

"a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station."



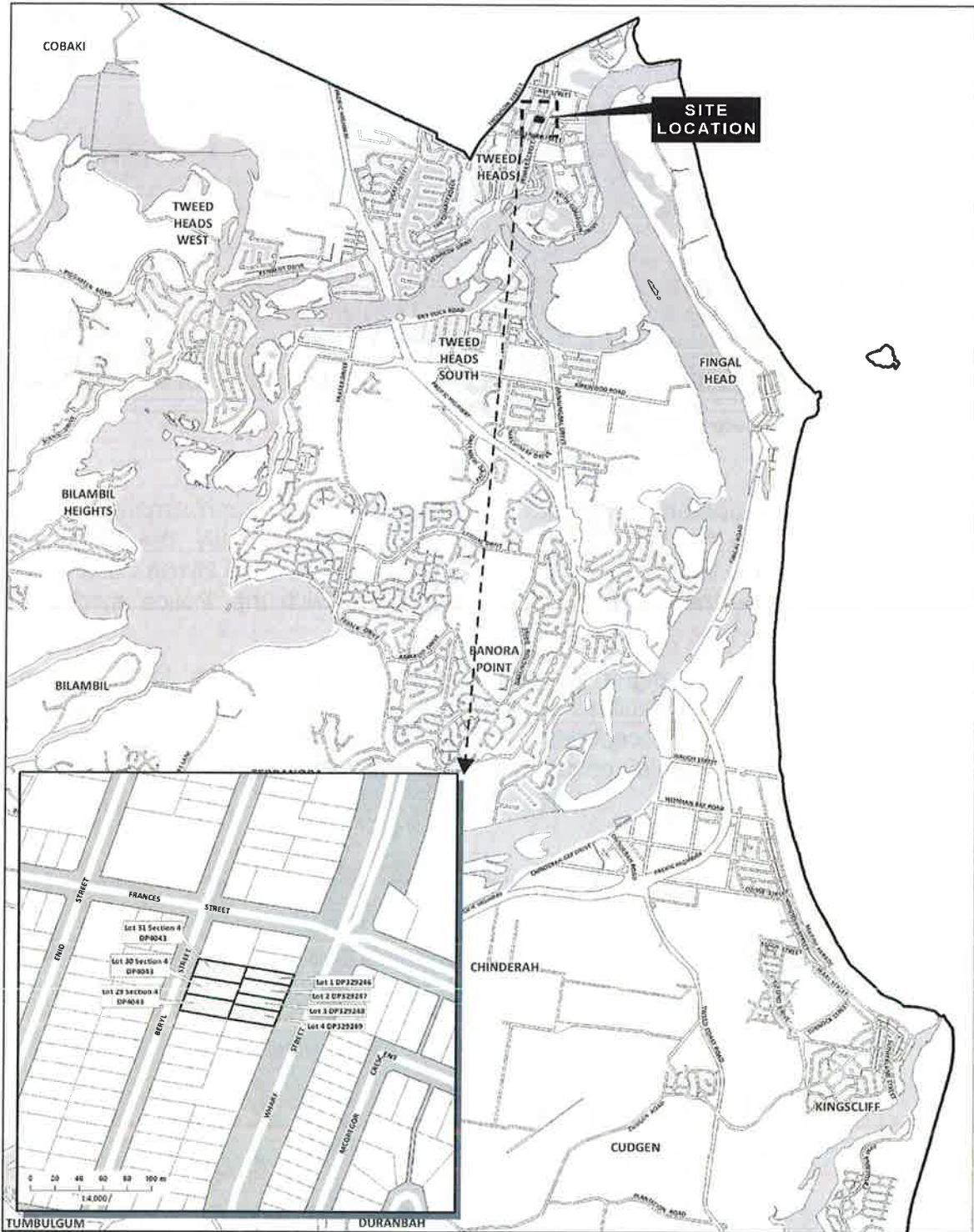
Figure 4: 3D View of Proposal (Viewed from Wharf Street)

SIGNAGE

The proposed development includes the installation of approximately three identification signs to the Wharf Street elevation which identify the proposed development as 'Tweed Heads Police Station' (3.5m²) and 'Tweed Byron Local Area Command' (2.5m²). Furthermore an under awning sign with the 'Police' symbol is proposed (1m²).

As outlined above, these signs are minor in scale covering a total area of approximately 7m² and are utilised to identify the proposal as a Police station building which is considered acceptable. A public art feature wall is also proposed to this Wharf Street elevation which covers a total area of approximately 60m².

SITE DIAGRAM:

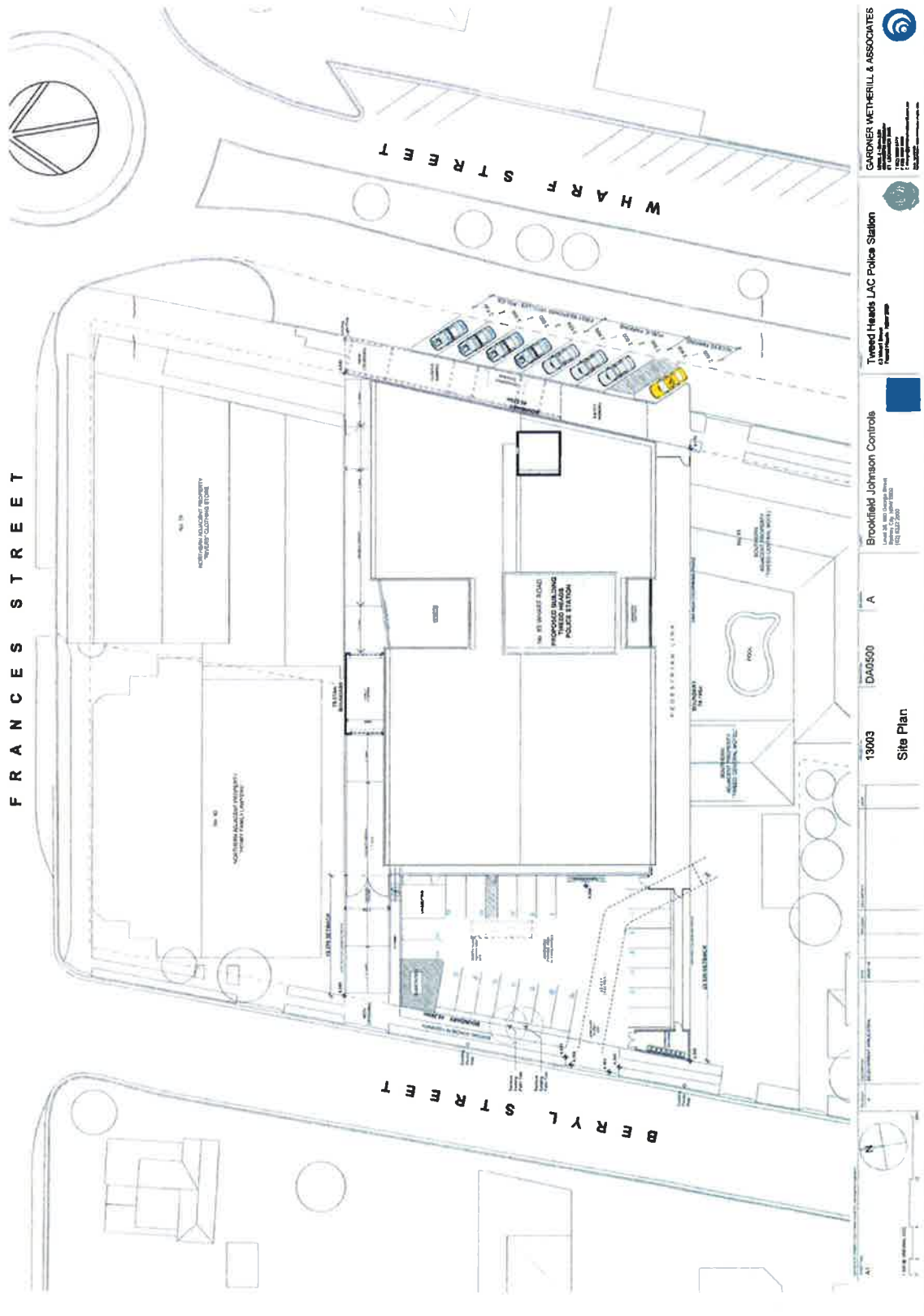


Locality Plan

Lot 1 DP329246; Lot 2 DP329247; Lot 3 DP329248; Lot 4 DP329249; Lots 29-31 Section 4 DP4043;
No.83 Wharf Street, Tweed Heads

<p><small>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representation as to its accuracy or reliability for any purpose other than for general information only. It is recommended that users verify the information with the relevant authorities. The Council is not responsible for any loss or damage arising from the use of this information. This information is supplied for general guidance and is to be considered indicative and schematic only. It should not be used for any or construction purposes and prior to any excavation or 'cut before you dig' enquiry must be made by calling 311. The information contained on this document remains valid for 90 days only from the date of supply.</small></p>	<p>Cadastral 30/09/2014 Land and Property Information (LPI) & Tweed Shire Council Boundaries shown should be considered approximate only</p>	<p>0 0.5 1 Km 1:50,000 @ A4 Portrait DO NOT SCALE COPY ONLY - NOT CERTIFIED Map Projection: Universal Transverse Mercator Horizontal Datum: Geocentric Datum of Australia 1994 Map of Australia, Zone 55</p>	<p>Civic and Cultural Centre 3 Tumbulgin Road Murrumbidgee NSW 2484 PO Box 816 Murrumbidgee NSW 2484 T (02) 6670 2400 1300 292 872 F (02) 6670 2429 W www.tweed.nsw.gov.au E planning@tweed.nsw.gov.au</p> <p>TWEED SHIRE COUNCIL</p>
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DEVELOPMENT/ELEVATION PLANS:





13003 DA1301 A

First Floor Plan

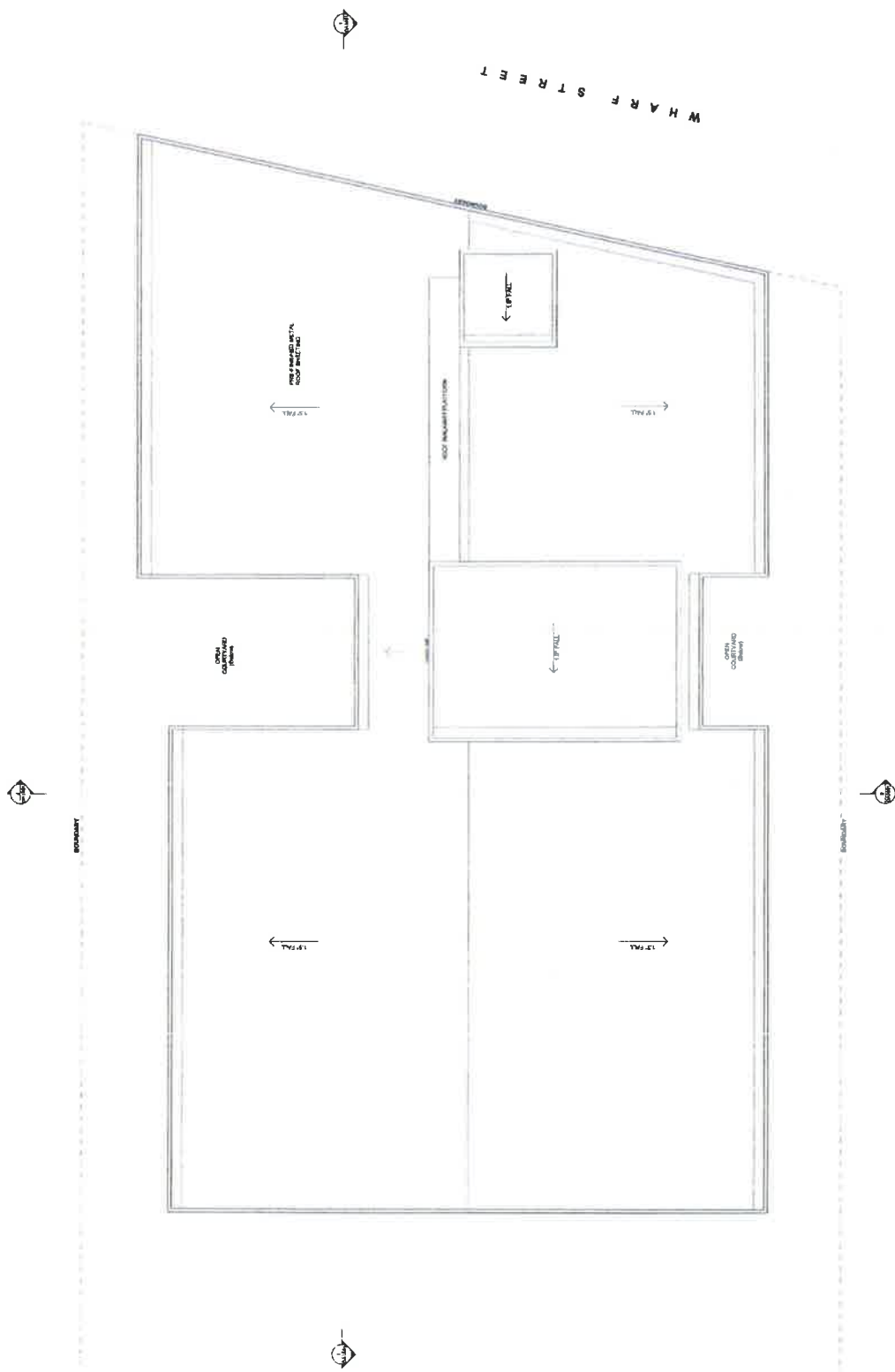
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Tweed Heads LAC Police Station
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GARDNER WETHERILL & ASSOCIATES
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Elevations - Sheet 2

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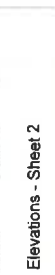
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Brookfield Johnson Controls

Tweed Heads LAC Police Station

GARDNER WETHERILL & ASSOCIATES





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	date	time	location	notes
A1	Jan 19	10:00	100-1000 ft A.C.N.	

CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed City Centre Local Environmental Plan 2012

Part 1 Preliminary

1.2 Aims of Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

- (1) This Plan aims to make local environmental planning provisions for land in Tweed City Centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents,
 - (b) to promote employment, residential, recreational, arts, social, cultural and tourism opportunities in Tweed City Centre,
 - (c) to encourage the responsible sustainable management and conservation of Tweed City Centre's natural and environmentally sensitive areas, the built environment and cultural heritage,
 - (d) to promote development that is consistent with the principles of ecologically sustainable development,
 - (e) to promote the economic revitalisation of Tweed City Centre,
 - (f) to strengthen Tweed City Centre as a multi functional and innovative regional centre that encourages employment and economic growth,
 - (g) to protect and enhance the vitality, identity and diversity of Tweed City Centre,
 - (h) to facilitate building design excellence appropriate to a regional city in Tweed City Centre.

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible at this location.

1.4 Definitions

Under this Plan, the proposed development would be a '*Public administration building*' defined as follows;

Public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

This is permitted with consent in the B3 Commercial Core zone.

Part 2 Permitted or prohibited development

2.1 Land use zones

The proposed development area is zoned as B3 Commercial Core under the provisions of this plan.

2.3 Zone objectives and Land Use Table

The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage upper floor residential or tourist accommodation that does not compromise the commercial use of the land.

The proposed development is considered to be consistent with the objectives of the zone through the provision of a police station building which would serve the needs of the local and wider community. Furthermore the proposal will provide employment opportunities through both the construction and operational phase and the subject application, by virtue of being located within Tweed City Centre, is considered to facilitate additional public transport patronage at this location.

2.7 Demolition requires development consent

This clause states that *'the demolition of a building or work may be carried out only with development consent.'* As the submitted application seeks development consent for the demolition of the existing structure on site the proposal is considered to be acceptable with respect to this clause.

Part 4 Principal development standards

4.3 Height of buildings

The objectives of this clause include provisions to establish the maximum height for which a building can be designed and ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity.

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance the proposed development site is identified as having a maximum building height of 34m (Control M) as identified on the building height map.

The proposed development has a maximum stated height of 16m which is significantly lower than the maximum building height on the site and mitigates against the land's capability to provide and maintain an appropriate urban character and level of amenity. In response to this lower building height proposed, the applicant has submitted the following:

"The proposed building comprises generally a three storey structure with a small element being 4 storeys in the vicinity of the plant room. The maximum building height is 16m which does not exceed the building height restrictions documented in the LEP. The top of the Lift & Stair Well is 15.10m, whilst the top of parapet fronting Wharf Street is 12.5m high.

It is noted that both the LEP and DCP provide for significantly taller buildings than that proposed in this application. The following points are made in support of the current application:

- The LEP building height provisions represent a maximum height, not a "target" or "minimum" height.*
- Development Control Plans are policy documents to guide and facilitate development permitted by the LEP. The provisions of a DCP are not statutory requirements, such as those within an LEP.*
- In this instance, the Tweed City Centre DCP design provisions do not neatly "fit" the design and operational requirements of a Police Station which is an essential land use which is reasonably expected to occur within a town centre.*
- The site is located within a part of Tweed Heads which is currently represented primarily by older one and two storey developments. The proposed building provides for a significant redevelopment of the site in a manner which is sympathetic in scale to the surrounding neighbourhood.*
- The proposed building is designed to meet the existing and foreshadowed requirements of NSW Police in accordance with stringent accommodation schedule requirements. The project brief did not provide for land uses other than those proposed within the application.*
- The proposed building has been designed to meet the allocated Government project budget. Whilst the proposed structure will be able to accommodate a minor expansion of the 1st floor level on the site, no additional project funds are available to provide the necessary structural reinforcement to facilitate provision of future building and/or basement levels.*
- NSW Police does not undertake commercial, retail or residential developments in conjunction with Police Station buildings. Nor does it enter into joint venture projects with private developers."*

In this instance, given the specific nature of the proposed development as outlined above, the reduced building height is considered to be acceptable. The proposal does not contravene the provisions or objectives of this Clause.

4.4 Floor space ratio

The objectives of this clause are as follows:

- (a) to define the allowable development density of a site and for particular classes of development,
- (b) to enable an alignment of building scale with the size of a site,
- (c) to provide flexibility for high quality and innovative building design,
- (d) to limit the impact of new development on the existing and planned natural and built environment,
- (e) to encourage increased building height and site amalgamation at key locations in the area of Tweed City Centre.

This clause goes on to further state that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. In this instance the applicable floor space ratio is V (3.25:1) over the entire site.

The subject site has a total area of 3,490m² and a proposed Gross Floor Area of 3,099m². This results in a FSR of 0.88:1 which is in accordance with the above controls.

Similar to the building height controls it is noted that the site provides for a significantly higher floor space ratio and consequently building density under these controls. It is considered however, that given the nature of the proposed development (being undertaken by NSW Police who do not *undertake commercial, retail or residential developments in conjunction with Police Station buildings*), that the proposed floor space ratio is acceptable in this instance.

Part 5 Miscellaneous provisions

5.5 Development within the coastal zone

This clause states that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered the following;

- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access, and*

The subject application does not propose any amendments to existing public access to or along the coastal foreshore.

- (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

- (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
- (ii) *the location, and*
- (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

The proposed development is permissible on the subject site and is generally consistent with the prescribed development requirements as outlined throughout this report. As such the proposal is considered to be acceptable at this location.

- (c) *the impact of the proposed development on the amenity of the coastal foreshore including:*
 - (i) *any significant overshadowing of the coastal foreshore, and*
 - (ii) *any loss of views from a public place to the coastal foreshore,*

The proposed development is located approximately 1.2km from the coastal foreshore and it therefore not considered to impact on the amenity of the foreshore by virtue of overshadowing or a loss of views. The subject application is considered to be acceptable having regard to the above considerations.

- (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

The proposed development is not considered to compromise the scenic qualities of the coast as it represents an acceptable development on appropriately zoned land. Beyond this, the subject development is not considered to generate any specific opportunities to protect the visual amenity and scenic qualities of the coast due to its nature and scale.

- (e) *how biodiversity and ecosystems, including:*
 - (i) *native coastal vegetation and existing wildlife corridors, and*
 - (ii) *rock platforms, and*
 - (iii) *water quality of coastal waterbodies, and*
 - (iv) *native fauna and native flora, and their habitats, can be conserved, and*

The proposal is to be undertaken on a previously developed land which is currently utilised for retail purposes and does not exhibit any significant vegetation. It is considered that the proposal will have a minimal impact on the local biodiversity or ecosystems in this regard.

- (f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

The proposed development is not considered to result in an unacceptable cumulative impact on the coastal catchment given the sites zoning and the permissibility of the development at this location.

This clause goes on to further state;

(3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*

(a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

As outlined elsewhere in this report, the proposal will not impede or diminish the right of access of the public either to or along the public foreshore.

(b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The subject site would maintain connection to Councils reticulated sewer system.

(c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

It is noted that the application has been reviewed by Council's Flooding Engineer with respect to stormwater, who has advised that they are 'comfortable with the stormwater concepts proposed within the DA submission' and have provided recommended conditions of consent with respect to this. Having regard to the above, it is considered that the subject application would be in accordance with the above controls, with no untreated stormwater being discharged to the sea, beach or the like.

(d) *the proposed development will not:*

(i) *be significantly affected by coastal hazards, or*

(ii) *have a significant impact on coastal hazards, or*

(iii) *increase the risk of coastal hazards in relation to any other land.*

The proposed development is considered to be acceptable having regard to coastal hazards as outlined above due to its nature, permissibility and the spatial separation between the site and coastal hazards at this location.

Part 6 Additional local provisions

6.1 Acid sulfate soils

The subject site demonstrates Class 2 Acid Sulfate Soils (ASS) in accordance with the provisions of this clause. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The application was supported by an Acid Sulfate Soil Investigation and Management Plan by Precise Environmental (PE) Pty Ltd and dated July 2014. This plan has been reviewed by Councils Environmental Health Section who have provided the following comment with respect to acid sulphate soils;

"Details of the specific method of construction have not been confirmed however PE have designed the investigation based on typical levels of excavation for stormwater treatment devices and footings (3.5m below ground level).

Material between 1.0 and 4.5m exceeds the action criteria and therefore will require lime treatment to neutralise the identified acidity. A maximum lime rate of 8 kg/CaCO₃/t is to be applied to all material below 1m below ground level. ASS to be managed in accordance with the management plan. Condition to apply."

Recommended conditions of consent have been provided with respect to Acid Sulfate Soils which are recommended to be attached to any consent issued. In this regard, the proposal is considered to be acceptable with respect to the requirements of this clause.

6.2 Flood planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

This clause goes on to further state that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

With respect to the abovementioned matters, it is noted that the subject application was referred to Councils Flooding Engineer who reviewed the proposed development with respect to flooding and has provided the following advice;

"From a flood perspective the proposal poses minimal concerns and generally complies with the development controls specified within Tweed

Development Control Plan - Section A3 - Development of Flood Liable Land. No conditions are warranted from a flood perspective."

Having regard to this advice, the proposal is considered to be in accordance with the provisions of this clause.

6.5 Restriction on certain uses in Zone B3

This clause outlines that *'Development consent must not be granted to development for the purposes of backpackers' accommodation or serviced apartments on land in Zone B3 Commercial Core, unless the development is part of a mixed use development.'* Whilst the subject application is located on land within zone B3 Commercial Core, it is noted that the proposed development does not relate in any way to a backpackers' accommodation or serviced apartments and therefore this application does not impact on the provisions of this clause.

6.6 Minimum building street frontage

This clause outlines that Development consent must not be granted to the erection of a building on land in this zone that does not have at least one street frontage of 20 metres or more. In this instance the proposed development site has a frontage of approximately 45 metres to Wharf Street with a proposed building to the majority of this frontage. As such the proposed development is considered to be in accordance with this control.

6.8 Ground floor and first floor development in certain business zones

This clause applies to land in Zone B3 Commercial Core and the objective is "to promote uses that attract pedestrian traffic along certain ground floor street frontages in certain business zones."

This clause further states that consent must not be granted to the erection of a multi storey building, or a change of use of a multi storey building, on land to which this clause applies unless the consent authority is satisfied of the following:

- (a) the building will have an active street frontage after its erection or change of use, and
- (b) the ground floor of the building will be used for the purpose of commercial activities, and
- (c) if the building is, or will be, located on land in Zone B3 Commercial Core, the first floor of the building will also be used for the purpose of commercial activities.

In this clause, *commercial activities* means amusement centres, business premises, function centres, hotel or motel accommodation, medical centres, office premises, registered clubs or retail premises. In response to the provisions of this clause the applicant has provided the following for consideration;

"The planning objective for this clause relates to promoting uses that attract pedestrian traffic along certain ground floor street frontages in the

B3 Zone. The proposed Police Station will provide a key attraction for pedestrian activity in this part of Tweed Heads. This facility will provide a critical community service which will be accessed by members of the public on a regular basis.

We note that due to security considerations, access to much of the building by the community is not possible. However, the design has ensured that the Wharf Street frontage contains the public access point to the building, with this entrance leading directly to internal public foyers and waiting areas. Landscaping will ensure that pedestrian traffic is directed to the entrances to the building.

Another design consideration relevant to this matter relates to Council's requirement that critical services (such as Police Stations) be built to the PMF level, which in this instance is 5.4m AHD. As such, the Station is required to be set substantially above the street level, thereby reducing opportunity for activation of the street frontage in this location.

The building setback to Wharf Street includes a landscaped courtyard incorporating low level landscape screening and seating. Importantly, this feature contributes positively to activating the streetscape in this location. In addition, the project incorporates an awning over the public footpath for the full width of the property. The wall of the building in this location is intended to incorporate an art work which will be visible from the public domain."

Whilst it is noted that the proposed development does not relate to commercial activities as per the provisions of this clause it is considered that the subject application would be in accordance with the objective of the zone by virtue of attracting pedestrian traffic along a ground floor street frontage. In this regard it is noted that the proposed development for a public administration building is permissible with consent in this zone and whilst not strictly a commercial premises as per the requirements of this clause, would have many of the same implications in terms of creating an active street frontage, being a building that would have a relatively frequent footfall. In this regard the applicants comments above are concurred with and the proposed development is considered to be acceptable having regard to the requirements of this clause.

Clause 6.10 - Design excellence

This clause applies to development involving the erection of a new building or external alterations to an existing building and in particular applies to land identified as being on the 'key sites map' and development in respect of a building that will be higher than 35 metres.

The proposed development does not relate to a 'key site' or a building with a height in excess of 35m which eliminates the requirement for the proponent to undertake a architectural design competition, however the consent authority must consider whether the development exhibits design excellence. In

considering whether the development exhibits design excellence, the consent authority must have regard to the following matters (*in italics*)

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The subject application has been assessed in detail under DCP Section B2 provisions elsewhere in this report with respect to the above controls and it is considered that the subject development is generally compliant with these requirements, demonstrating an acceptable architectural design, materials and detailing.

- (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*

The subject development is considered to represent an appropriate building form and external appearance having regard to the development controls now applicable to development at this location. It is considered that the proposal will result in an improvement to the quality and amenity of the public domain at this area.

- (c) *whether the development detrimentally impacts on view corridors,*

The proposed development is not considered to impact detrimentally on view corridors having regard to the proposed building mass and height, which is acceptable at this location.

- (d) *the requirements of the Tweed City Centre DCP,*

The proposed development is assessed elsewhere in this report against the provisions of this DCP. The proposal is considered to be generally acceptable having regard to this DCP.

- (e) *how the development addresses the following matters:*
- (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *solar access controls,*
 - (viii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (ix) *the achievement of the principles of ecologically sustainable development,*
 - (x) *pedestrian, cycle, vehicular and service access, circulation and requirements,*

- (xi) *the impact on, and any proposed improvements to, the public domain.*

The proposed development is considered to be acceptable having regard to the above criteria. In particular it is noted that the proposal relates to a public administration building on appropriately zoned land.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed City Centre Local Environmental Plan 2012.

State Environmental Planning Policies

SEPP No. 55 - Remediation of Land

The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject application has been reviewed by Council's Environmental Health Unit who has provided the following advice with respect to contamination:

"Checks of the Tweed Heads topographic maps (1974 and 1985) and aerial photography dated 1962, 1970, 1976 and 1995 did not reveal any potentially contaminating activities on the development site. No cattle dip sites are located within 200m of the site.

An Environmental Site Assessment for 83 Wharf Street, Tweed Heads prepared by Precise Environmental (PE) Pty Ltd dated July 2014 has been submitted.

PE advise that an intrusive soil and groundwater investigation was undertaken on 10 December 2013 targeting the potential contaminants of concern. No exceedances of the applicable commercial criteria or more conservative residential criteria were reported, and no TRHs, BTEXN or PAHs were detected. No asbestos fragments were identified during the drilling and sampling program. The results for the soil samples analysed also confirm that the material meets the General Solid Waste classification for landfilling; results were also below the ENM criteria, however the restrictions of using the ENM criteria with respect to the presence of acid sulfate soils are applicable.

Analysis of groundwater samples collected from two installed monitoring wells did identify concentrations of several metals above the default groundwater investigation levels for a freshwater environment. PE advised that based on prior experience within the locale, these concentrations were not considered to impact the proposed commercial use of the site. The elevated dissolved aluminium and iron concentrations encountered were indicative of the acid sulfate soil environment and the confirmed presence of acid sulfate soil (PE 2013a). The source of the identified contamination may be due to the current and former underground fuel storage tanks on nearby sites. Based on the scope of work undertaken, the site is considered suitable for commercial use subject to recommendations. Conditions to apply."

Having regard to the advice provided, the subject application is considered to be acceptable with respect to contaminated land subject to the inclusion of the recommended conditions of consent as outlined above.

SEPP No. 64 – Advertising and Signage

The aims of this policy relate to ensuring that signage and advertising are compatible with the desired amenity and visual character of the subject locality. To comply with the policy, signage should be:

- (i) Compatible with the desired amenity and visual character of the area;
- (ii) Provide effective communication in suitable locations;
- (iii) Signage should be of high quality design and finish.

As outlined elsewhere in this report, the subject application proposes a total of three identification signs to the Wharf Street elevation which identify the proposed development as a Police Station. These signs are minor in scale covering a total area of approximately 7m² and specifically include signs for 'Tweed Heads Police Station' (3.5m²), 'Tweed Byron Local Area Command' (2.5m²) and a under awning sign with the 'Police' symbol (1m²).

Clause 8 requires Council to assess whether proposed signage is consistent with the objectives of the policy, and compliant with Schedule 1 of the policy.

Schedule 1 provides 8 assessment criteria, as set out below:

1. Character of the area: The proposed signage is considered compatible with that expected in a Commercial Core zone and character of the subject site and the desired future character of this

area. The signage is not considered to affect residential amenity and is necessary for the identification of this public building as a Police Station.

2. Special Areas: The subject site is not in immediate proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes. As such, the proposal is not considered to detract from the amenity or visual quality of any special areas.
3. Views and vistas: The proposed signage is not considered to obscure or compromise important views. It is not considered to dominate the skyline nor reduce the quality of vistas experienced from the subject area. The location of the signage on the subject site is considered to respect the viewing rights of other advertisers occupying adjacent land.
4. Streetscape, setting or landscape: The scale of the signage, including its proportion and form is considered appropriate for the streetscape and setting of the proposal. The proposed signage is not considered to create unsightliness, nor does it protrude above buildings, structures or tree canopies in the area. It is therefore considered to be consistent with these criteria.
5. Site and building: The proposal as submitted is compatible with the scale and proportion of both the subject site and the established development character in the area. It is considered that the proposal's size and design respects the scale of the proposed development and does not detract from any important features of the building. It is considered that the proposed advertising signage is consistent with the requirements under Schedule 1, part 5.
6. Associated devices and logos with advertisements and advertising structures: The proposed signage does not contain any safety devices or platforms. The proposed signage will identify the building as a Police Station and will include the police symbol in this regard.
7. Illumination: Given that the Police Station is to operate on a 24 hour basis it is considered acceptable that all signs be illuminated to allow identification of the building at night. In this regard a standard condition of consent is to be applied requiring *'All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.'* The proposal is considered to be acceptable in this regard.
8. Safety: The proposed signage is not considered to reduce the safety of any public road, pedestrians or cyclists. The signage is not considered to obscure any sightlines from public areas nor does it encroach onto the footpath or car park of the subject site.

It is considered that the proposal as submitted is consistent with the aims and objectives of SEPP 64 – Advertising and Signage and the requirements of Schedule 1 of the policy.

SEPP No 71 – Coastal Protection

SEPP 71 – Matters for Consideration

- (a) *The aims of this Policy set out in Clause 2:*

The proposed development is considered to be consistent with the aims of the policy as set out in clause 2.

- (b) *Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved*

The proposal development will not alter or restrict the public's access to the foreshore reserve areas.

- (c) *Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

The proposal does not generate any additional opportunities to improve public access to foreshore reserve areas and the like, nor is it considered that there are any physical opportunities to do so given the spatial separation between the site and foreshore reserve.

- (d) *The suitability of the development given its type, location and design and its relationship with the surrounding area*

The proposed development is sited and designed in general accord with the relevant Council controls and is considered unlikely to create any form of adverse imposition upon the immediate area in terms of size, scale or design.

- (e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore*

The proposed development is not considered impact on the amenity of the coastal foreshore, given it is located approximately 1.2km from the foreshore mapped under this SEPP. In particular there is considered to be no loss of views or overshadowing associated with this application.

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities*

The proposal is unlikely to impact upon the scenic quality of the NSW coast, with the development being spatially separated from the coastal foreshore.

- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;*

The proposal is not considered to impact negatively animals or their habitats. The subject development site has been previously developed for retail purposes with minimal grassed landscaping evidenced on site which could constitute animal or plant habitat of significance.

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

The proposal is unlikely to have an adverse impact upon marine environments or habitats.

- (i) *existing wildlife corridors and the impact of development on these corridors,*

It is considered that there are no wildlife corridors impacted by the proposed development. The subject development is to be located on a previously developed site and in an area which has historically been significantly developed.

- (j) *the likely impact of coastal process and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;*

The subject site is not located within an area affected by Coastal Erosion and is landward of the defined Coastal Erosion Zones. The development is therefore unlikely to have an adverse impact upon Coastal Processes or be affected by Coastal Processes

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities;*

The proposal is not considered to cause any conflict between land-based and water-based activities.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aborigines;*

The subject site is not identified as a cultural place or the like.

- (m) *likely impacts of development on the water quality of coastal waterbodies,*

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

- (n) *the conservation and preservation of items of heritage, archaeological or historic significance,*

The subject site is not identified as land containing items of heritage, archaeological or historical significance.

- (o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities;*

Not applicable to the subject application.

- (p) *only in cases in which a development application in relation to proposed development is determined:*

- (i) *the cumulative impacts of the proposed development on the environment; and*

The proposed development is not considered to have a negative cumulative impact on the environment.

- (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

The subject application has not provided measures in relation to the minimisation of water and energy usage. It is noted that the proposed development does not require a BASIX certificate be submitted as the development is not residential in nature. The subject application is considered to be acceptable in this regard.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any unacceptable loss of view or overshadowing. The proposal has a minimal impact on flora or fauna and the proposed development site is not known to contain any items of Aboriginal significance. The provisions of SEPP 71 are considered satisfied.

SEPP (Infrastructure) 2007

The development is defined as a “public administration building” under the Standard Instrument. This SEPP provides that development for the purpose of a public administration building may be carried out by or on behalf of a public authority with consent on land in a B3 zone.

The site is zoned B3 under the Tweed City Centre LEP 2012. This LEP also provides that public administration buildings are permitted with consent in the B3 zone. In this regard it is noted that the proposed development is permissible under both the Tweed City Centre LEP 2012 and the SEPP (Infrastructure). Therefore the proposal satisfies the permissibility considerations of both planning instruments.

Clause 104 of this SEPP relating to Traffic Generating Development outlines that this clause applies to development specified in Column 1 to the Table of Schedule 3 that involves the erection of a new premises, being an addition of parking spaces.

Schedule 3 of this SEPP further outlines traffic generating development which is to be referred to the RTA (now RMS) and includes a site which provides parking for 50 or more motor vehicles. Given the proposed development includes provision of a total of 66 car parking spaces, the application was referred to the Development Traffic Advisory Group (DTAG) which includes a representative from NSW Roads & Maritime Service (RMS) for comment who have raised no issues with respect to the proposed development accessing the classified road network at this location. In this regard, it was noted that a Section 138 application under the Roads Act 1993 would be required for any vehicle crossovers to public road.

This is considered to be acceptable in this instance and a standard condition is to be applied to any consent requiring application to be made under Section 138 for any works taking place on the road reserve or footpath.

Furthermore the application was referred to Essential Energy under the provisions of Clause 45 of this SEPP, requesting any comments within 30 days of the date of correspondence. The application has been discussed with the Planning Manager, Far North Coast, Essential Energy who has raised no objections to the proposal.

The proposed development is considered to be acceptable having regard to the provisions of this SEPP.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

There is no draft Environmental Planning Instrument applicable to the subject site.

(a) (iii) Development Control Plan (DCP)

Tweed Development Control Plan

Section A2-Site Access and Parking Code

The proposed development is subject to the provisions of Council's Tweed DCP Section A2 - Site Access and Parking Code with respect to site access.

It is noted that whilst there is a vehicular parking rate for a 'Public administration building' under this DCP, the applicable parking controls are not considered to be representative of the actual anticipated vehicular parking requirements given the specific nature of the proposed development, which includes a variety of operation vehicles and associated security considerations which may impact on vehicular parking provision. In this regard, the subject application has been reviewed by Council's Traffic Engineer taking into account anticipated staff and customer parking requirements which is detailed elsewhere in this report with the conclusion that adequate vehicular parking is provided in this instance.

As such, the subject application has been reviewed with respect to access under the DCP Section A2 provisions below;

Access

The proposed development demonstrates a total of three vehicular access points, detailed as follows;

- An entry access point for a Department of Correctional Services (DCS) vehicle from Wharf Street, to allow the transit of prisoners to/from the secure zone within the Police Station. This is located to the north site boundary.
- The access for the DCS vehicle as detailed above has a corresponding egress point to Beryl Street, to allow the vehicle to move through the site in a forward direction. This exit is also located to the north site boundary.
- A second access/egress point from Beryl Street is also proposed which provides vehicular access for both NSW Police and visitors to the onsite parking.

The proposed access arrangements have been reviewed by Council's Traffic Engineer who has raised no concerns with respect to the application whilst standard conditions of consent have been provided with respect to requiring

application under Section 138 of the Roads Act 1993 for works relating to the proposed access within the road reserve.

This has been reviewed by Council's Traffic Engineer and NSW Roads and Maritime Service (RMS) as part of the assessment of this application. In this regard no objections have been raised with respect to the proposed development from an access perspective. The access arrangements proposed as part of this application are considered to be acceptable in this instance and the application is supported in this regard.

It is considered that the proposed development has adequate access arrangements as outlined above and as such the proposal is consistent with DCP Section A2.

Section A3-Development of Flood Liable Land

The subject development relates to the development of a police station, a public administration building. It is non-habitable, thus Council's Tweed DCP Section A3 – Development of Flood Liable Land does not apply minimum habitable floor levels for commercial development.

The Emergency Response Provisions outlined under Section A3.2.6 for Essential Community Facilities & Critical Services are considered to relate to the subject application, given its nature as a Police Station Building. This section of the DCP states the following, pertinent to this application;

"All new critical infrastructure and facilities to be located above PMF level, unless exceptional circumstances can be justified, such as servicing existing flood prone communities where no practical alternative exists. In such cases, and where the development is a habitable land use, adequate PMF refuge must be provided."

It is noted that Probable Maximum Flood (PMF) refuge is also required with respect to the proposed development under this DCP. This is available on site given the proposal includes a first and second floor above the stated PMF level, being 5.4m AHD. The subject application was referred to Council's Flooding Engineer with respect to flooding on the site who provided detailed comment as follows;

"The Site Plan Drg No DA0500 shows the Beryl Street frontage levels at around RL 4.06m min with the on ground secured parking (Drg DA1201) at RL 4.3 and the entry Lobby at RL 4.25m. These entry levels are over 1.5m above the 1 in 100 ARI flood level. The majority of the operational office space is located on the first and second floors. The first level is set at RL 8.8m which is well above the modelled PMF level of RL 5.4m AHD."

"From a flood emergency response perspective space is available onsite with a flood free evacuation access above the 1 in 100 ARI flood event towards higher ground. This higher ground is located to the west via Frances Street to the west near the NSW/QLD border. This land is above the PMF level of RL 5.4m AHD."

From a flood perspective the proposal poses minimal concerns and generally complies with the development controls specified within Tweed Development Control Plan - Section A3 - Development of Flood Liable Land. No conditions are warranted from a flood perspective."

Having regard to the provided advice and the omission of any requirement for any specific conditions of consent with respect to flooding, the development is considered acceptable having regard to the provisions of this section of the DCP.

Section A4-Advertising Signs Code

This plan sets out the signage requirements for business premises, including the different types and sizes of acceptable advertising signage. The aims of this Section of the DCP are to:

- Promote a high standard of signage quality and prevent excessive advertising and visual clutter by encouraging the rationalisation of existing and proposed signs.
- Ensure that advertising signs do not detract from the scenic beauty and amenity of the Shire.
- Ensure that advertising and advertising structures are compatible and compliment the character of a building site or area.
- Promote adequate and effective advertising and recognise the legitimate need for signs to provide for directions, business identification and promotion.
- Provide appropriate opportunities for advertising signs for the Tourist Industry to give effect to the Tweed Shire Tourism Strategy.
- Ensure that advertising signs do not reduce the safety of any road, pedestrian path or navigable waterway.
- Ensure that advertising signs are constructed and maintained in a safe and tidy condition.
- Ensure that a fair and consistent approach is taken by Council in dealing with advertising sign applications.

The proposed signage has been outlined elsewhere in this assessment with the proposal including a total of three signs which cover a total area of approximately 7m².

The proposed signage is considered to be in keeping with the amenity of the area and generally minimises the visual impact of signs in the area due to the scale of the signage, compatible with the overall development proposal scale. The proposed development does not contravene the above objectives and would allow for appropriate identification of the Police Station development.

DCP Section A4 specifies that a maximum of five business identification signs shall be permitted per business premise. Whilst the Police would not be considered as a business, the intent of this control is to minimise extensive signage or visual clutter which is considered to be applicable to any

development on this site. In any event, the subject application provides for three signs which is within the number allowable under this section of the DCP.

Furthermore, it is noted that under A4.2.4 there is a maximum area of signs per business outlined which is calculated by multiplying the first 10 metres of the frontage of the premises by 1 and each metre thereafter by 0.5 and then expressing this figure in square metres. The proposed development has a building frontage of approximately 36m which is sufficient to allow the approximately 7m² area of signage proposed to the Wharf Street elevation.

Having regard to the above assessment, the proposal is considered to be consistent with the provisions and objectives of this section of the DCP.

Section A5-Subdivision Manual

The existing Tweed Village Shopping Centre building and associated car parking is located over seven separate existing allotments which are proposed to be consolidated into a single allotment under the Stage 2 works. Upon completion of this, the proposed Police Station development would be located on a single allotment and the allotment configuration would be regularised to represent a single building/use across the site. The application has been reviewed by Council's Development Engineering Unit with respect to this lot consolidation and recommended conditions of consent have been applied requiring that the proposal be undertaken in accordance with Tweed Shire Council's Development Control Plan Section A5-Subdivision Manual which is considered appropriate.

Section A11-Public Notification of Development Proposals

The application was placed on public exhibition for a 30 day exhibition period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received three written submissions. These are addressed in detail elsewhere in this report.

Section A15 – Waste Minimisation and Management

Council's DCP Section A15 aims to minimise the generation of construction/demolition waste and facilitate effective ongoing waste management practices consistent with the principles of Ecologically Sustainable Development.

The applicant has provided a Waste Management Plan which includes details relating to both the demolition and construction phase and the ongoing operational phase of the proposed development. The applicant has advised that the details concerning the management of waste during demolition and construction phases of the project will be determined as part of the design phase following receipt of development consent. During the operational phase of the development, garbage will be stored in a waste refuse area located in the south west corner of the site. Wheelie bins will be transferred to the public street (Beryl) for collection as required. It is noted that waste will be collected daily from the site.

The application has been referred to Council's Waste Management Unit for comment with respect to the proposed development. The following advice was provided;

"Council's waste management unit is satisfied that suitable arrangements have been made for waste and recycling management at the proposed development.

The applicant has confirmed that further information will be provided in relation to demolition and construction waste at the construction certificate stage."

This is considered appropriate and a standard condition requiring adequate waste management arrangements, to the written approval of Council's General Manager or delegate is recommended to be attached to any consent in the event of approval. As such, the proposal is considered to be acceptable having regard to waste management and the provisions of this section of the DCP.

Section B2-Tweed Heads

The subject site is located in the City Centre Support Precinct in the northern city centre character area of the above policy. This Section of the DCP outlines the following Character Statement with respect to this precinct:

"The City Centre Support Precinct is located to the south of the City Centre Core and adjoins the Ridgeline and Razorback Precinct, the Tweed River Precinct and the Civic/ Campus Precinct and the Southern Boat Harbour Precinct.

The objective for future development in this precinct is to allow for a similar range of land uses to the City Centre Core although at a lower density and without the extent of active street front uses as in the City Centre Core.

Future development on consolidated allotments will be up to 10 storeys fronting Wharf Street and 14 fronting Pearl Street with residential land uses only to the west of Beryl Street and Boyd Street. The objective for future development west of Beryl Street and Boyd Street is to create a residential precinct with high quality urban design and buildings that respond to the topography of the land. Buildings up to 10 storeys will be encouraged along Thomson Street on consolidated sites to reinforce the ridgeline and define the State border. Some medium density buildings between Angela Street and Florence Street will function as an interface between City Centre Support Precinct and lower density Ridgeline and Razorback Precinct."

Having regard to the provisions of this precinct, it is considered that the proposed development would be generally in accordance with the above by virtue of being a similar type of land use to that allowable in the City Centre Core although at a lower density and without the extent of active street front uses as in the City Core. The proposed use of the building for a Police Station is considered to be generally consistent with the range of land uses foreshadowed in this locality.

DCP Section B2 also has controls in regards to building form, pedestrian amenity and access parking and servicing which are relevant to this application.

3. Building Form

It is noted that this section of the DCP outlines a 0m setback along Wharf Street and a 0m setback to Beryl Street at the proposed development location.

A variation is requested with respect to these controls so 'as to assist in the visual presence of the building and to provide a gathering place in front of the building for persons attending the station. This arrangement also assists in activating the street frontage in this location.'

In this regard it is noted that the proposed development provides for a varied setback with a maximum of approximately 3m to Wharf Street whilst an approx 15m setback has been proposed to the Beryl Street elevation in order to allow for the provision of the surface car parking at this location. With respect to this it is noted that whilst the proposal does not strictly meet the controls outlined above, the development would represent an acceptable development form.

As has been outlined elsewhere in this report the proposed development does not represent an optimisation of the building height or gross floor area provisions as outlined for the proposed site under the Tweed City Centre LEP 2012. In this regard, it is noted that given the specific nature of the proposal, being for a Police Station, the proposed development is acceptable in this instance. This has implications with respect to the street frontage heights and building depth and bulk controls contained within this DCP which also require variations, as the proposed controls pertain to a higher density development type. These variations are considered to be acceptable in this instance.

The subject application has been reviewed by Council's Planning Reforms Unit with respect to the proposed building design and materials proposed, with the following comment provided;

"The current proposal seeks to incorporate the following design features to address previous concerns raised:

- *Bands of contrasting coloured concrete*
- *Seating*
- *Public Art 'feature wall'*
- *Landscaping*
- *Awnings*

Whilst a more visually and physically permeable frontage is desired, it is noted that the design responses provided respond to the operational requirements and constraints of a Police Station. Should the proposal be supported in its current format appropriate conditions of consent will be required relating the final design of the feature wall/art wall.

The information submitted in relation to building materials is acknowledged and is considered acceptable, however a similar mixture of materials to

that proposed for the front façade and/or a further feature wall treatment should be pursued for the southern elevation given its highly pedestrian interface."

Having regard to these comments it is considered that the proposed design is generally acceptable with respect to the relevant assessment criteria given the nature of the development. Furthermore, it is recommended that a condition of consent be applied requiring a mix of materials/feature wall treatment for the south elevation wall, consistent with the above comments.

The application has also been reviewed by Council's Landscape Architect who has provided recommendations with respect to the interface between the proposal and the public realm at this location. It is considered appropriate that these recommendations be implemented through the provision of a condition on any consent issued.

A Landscape Design Intent Plan has been prepared by the applicant for internal site landscaping. This is considered to be generally acceptable, however a detailed Landscaping Plan would be required as a standard condition of consent in the event of approval of this application.

Having regard to the above, the proposal is considered to be acceptable with respect to landscaping requirements.

4. Pedestrian Amenity

The provisions of this portion of the DCP relate to permeability, active street frontages, safety and security, awnings and vehicle footpath crossings and advertising and signage which are considered to be relevant to this application.

The subject site is not identified for any specific site permeability controls, however it is noted that the subject application does include a 5m wide pedestrian link from the customer parking to the rear of the site to the Police Station entrance on Wharf Street. This has been reviewed by Council's Planning Reforms Unit with respect to site connectivity who have provided comment outlining that the security gates and fencing proposed to this site linkage is not supported at either the Wharf or Beryl Street ends. With respect to this the applicant has advised the following within the submitted application;

"In response to Council request for improved Site Connectivity, the proposal has now provided an increased pedestrian corridor link of 5.0 metres in width along the south boundary of the site. This link will enable persons parking in the 'unsecured' on site car parking facility to gain access through the site to the Public Foyer fronting Wharf Street. This link will be monitored and controlled by NSW Police CCTV, and will be secured after hours with gates to prevent this area being accessed at night. This pedestrian link will be landscaped in accordance with the Landscape Plan with appropriate coloured paving, irrigation and lighting to entice the public to use this through link and feel safe in doing so."

In this instance, it is considered appropriate that the pedestrian link area can be secured by gates as outlined by the applicant given the security

implications for a Police Station to be adequately protected in this manner. As such, the proposal is considered to be acceptable in this regard.

It is noted that active street frontages are required and outdoor dining encouraged to the Wharf Street elevation, with an active street frontage required to the Beryl Street elevation. Furthermore, awnings are required to both elevations under the provisions of this plan. An awning has been proposed to the Wharf Street elevation over the road reserve. This has been reviewed by Council's Traffic Engineer who has advised that there are no concerns with the proposed awning.

The proposal is considered to be acceptable with respect to active street frontages given the nature of the development and the activity provided to the Wharf Street elevation by virtue of public art, outdoor seating and landscaping provided to this elevation, in addition to the building form discussed elsewhere in this report which addresses the public domain at this location.

With respect to safety and security the submitted application outlines that the proposal will incorporate appropriate security measures such as locking devices, security cameras, alarms, lighting and fencing. The proposal will provide opportunities for continued natural surveillance and secure devices to reduce crime which is considered to be acceptable and in accordance with this DCP.

It is considered that the proposed signage proposed as part of this application is acceptable, as outlined under the relevant section of this report, in particular the assessment under SEPP 64.

5. Access, Parking and Servicing

The subject application was referred to Council's Traffic Engineer with respect to parking and access provisions. The access provisions are outlined in detail under the DCP Section A2 assessment above and are considered acceptable subject to the application of recommended conditions of consent.

This Section of the DCP contains specific vehicular parking rates, however there is no prescribed use under this DCP for a Police Station development. As such, Council's Traffic Engineer has reviewed the proposal having regard to an assessment of the staff and customers' parking needs as outlined in the submitted Traffic and Transport Assessment report, prepared by TTM Consulting. Further assessment with respect to this is detailed elsewhere in this report.

6. Environmental Management

The subject application includes proposed measures to be undertaken to achieve a 4.5 star energy rating as required by the project brief. The submitted application advises that *'During the design development and documentation of the projects particular care will be taken in the selection of materials, systems and equipment in order to conserve energy and resources.'* These measures include the following considerations;

- Orientation of buildings and windows
- Passive sun protection
- Variable voltage, variable frequency (UVVF) – Lift drives and motors

- Glass selection
- Use of motion activated lights
- Water conserving sanitary ware, tap and shower ware
- Photo electric controls on all external lighting
- Low energy use rated whitegoods
- Use of gas fired boilers for condenser water and hot water supply
- Use of heat recovery from substation equipment
- Selection of materials with low embodied energy

The submitted application further advises that roof water will be collected and stored within a subterranean tank of minimum 20,000L capacity and replumbed for toilet use. The project will incorporate water conserving sanitary ware, tap and shower ware.

Council's Waste Management Unit has reviewed the subject application with respect to waste and recycling and has advised that it '*is satisfied that suitable arrangements have been made for waste and recycling management at the proposed development.*'

Having regard to the above, the proposed development is considered to be generally acceptable having regard to Environmental Management measures as outlined by this DCP.

7. Residential Development Controls

The subject application relates to a Police Station development and does not include any residential development to which this part of the DCP would apply.

8. Controls for special areas

The subject site is not identified as being a special area under the provisions of this DCP. As such the controls contained within Section 8 are not applicable to the subject development.

The development as proposed is considered to be generally compliant with the provisions of Council's DCP Section B2 and is assessed as being an appropriate development on the subject site, having regard to the above assessment of the matters contained in this DCP.

As outlined in the above assessment, the application is generally considered in keeping with the intent of DCP Section B2 and is assessed as being acceptable having regard to the requirements of this section of the DCP.

(a) (iv) Any Matters Prescribed by the Regulations

Clause 92(a) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is not considered that the proposed development contradicts the objectives of the Government

Coastal Policy, given its permissible nature on a site identified for development works.

Clause 92(b) Applications for demolition

The proposed development includes demolition and as such this clause is relevant to the subject application. Council's Building Unit have reviewed the application with respect to this and provided recommended conditions of consent with respect to demolition which are to be attached to any consent. The proposal is considered acceptable in this regard.

(a) (v) **Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology and, social and economic demand.

The subject site is located within the Point Danger- Fingal Head Area identified under the Plan at Clause 3.1.3. The subject site is not identified for specific development or issues within this plan and it is not considered to be directly impacted upon by the issues identified for that area.

Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is assessed as being consistent with the objectives of the Management Plan.

Tweed Coast Estuaries Management Plan 2004

The subject site is not located within an area that is affected by the Coastal Zone Management Plan for the Tweed Coast Estuaries 2013.

Coastal zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

The subject site is located approximately 1km from the Terranora Inlet to which this management plan relates. It is noted that the site is not located within any of the broadwater catchment areas identified under this plan.

The proposal is not considered to result in a significant or unacceptable impact on the Broadwater given its spatial separation from the areas identified in this

plan. Furthermore the application relates to a development in an area zoned for this type of development, being currently utilised for retail purposes. The proposal is not considered to impact upon coastal zone management strategies for Cobaki and Terranora Broadwater.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Access, Transport and Traffic

As advised elsewhere in this report, an application was previously lodged with Council for a Police Station/Courthouse development, during the assessment of which vehicular parking was raised as an issue. This application was subsequently withdrawn, however through dialogue between the proponent and Council Officers vehicular parking for both customer and operational requirements were discussed which resulted in a parking provision which was deemed acceptable by Council. This provision was then incorporated into this development application which was formally reviewed by Council's Traffic Engineer who provided the following comments:

"Council's DCP A2 Site Access and Parking Code does not specifically cater for this type of development. Therefore, an assessment of the staff and customers' parking needs was required.

The development is proposed to accommodate 48 staff and in the Tweed Shire (ABS,2011) 66.2% of people travel to work by car. Based on that data the development requires 32 staff parking spaces.

The parking provision is as follows:

Parking for the development is proposed as follows:

Description	No.
Basement Parking total	45
On site off Beryl St	21
Reserved basement operational	18
Reserved On Street (Wharf St)	4
Disabled Space On Street (Wharf St)	1

As 18 of the basement parking spaces are reserved for operational purposes the available staff parking is 45-18=27.

The additional 21 at grade parking spaces allows parking for the 5 staff parking (32-27) and 5 reserved on street spaces with a "surplus" of 8 spaces available for customers of the development. Given the community benefit of the development the above parking arrangements are considered acceptable."

The proposed development is considered to be generally acceptable having regard to the comments provided above and the proposed parking arrangements are considered acceptable for the proposed development.

Construction

The construction of the proposed development will be subject to conditions being included on any consent issued. It is noted that Council's Building Unit have reviewed the application and had no objection to its development subject to conditions of consent in this regard. The development phase of the proposal will present some interruption to the ambience of the surrounding area but this is temporary in nature and it is considered that amenity can be adequately protected via conditions of consent in the event of approval.

Stormwater

The subject application was reviewed by Council's Planning and Infrastructure Engineering Section who have provided the following comments with respect to stormwater management for the proposed development:

"the proposal consists of a series of inlet pits draining into an internal piped system that connects to the existing stormwater piped system located in Wharf Street. The proposal includes a 20,000litre rainwater tank (Humes Rainvault RSV1950) and an Oil/Grit Gross Pollutant Trap - Humeceptor STC 2 contained within the proposed site."

The engineering comments further advised that subject to an appropriate condition of consent being applied requiring that the development be undertaken in accordance with the Stormwater Management Plan, the proposal was considered generally acceptable. Having regard to the received advice and recommended condition of consent, the proposal is considered to be acceptable with respect to stormwater provision on the site.

Sewer Infrastructure

The subject application was reviewed by Council's Water Unit with respect to Sewer and Water infrastructure being provided to the site. The proposal is generally compliant with the requisite provisions in relation to water infrastructure, however, the applicant was required to provide updated information in relation to the sewer infrastructure on the site which has been accepted by Council's Water Unit who have provided the following comments with respect to this:

"There is an existing 150mm diameter VC sewer pipe with two manholes located in lot 31/4/4043.

This sewer line includes the junction connections to the adjacent lots - Lot 32 DP792480 and Lot 2 DP 4570 and therefore this line cannot be decommissioned as proposed within Section 2.5.1 of the SEE report. Furthermore, it is proposed within Section 2.5.1 of the SEE report that the development be able to build over the line, being a within a commercial zone. However the impact of the proposed building foundations and access to existing sewer junctions must be taken into consideration of the proposed development. The proposed structural works over the sewer are not adequate and do not conform to our works in proximity policy. Of particular concern is the necessity to use a crane to lift wall panels off the building to gain access to the sewer, which would cause repair delays and unnecessary expenses to Council. Other

issues of high importance are the need for twenty four hour access to the manholes and removable paving/panels over the existing sewer for ease of access.

However as this project is of high importance to the community, the works over the sewer shall be accepted with some important conditions added including:

- *Costs incurred to repair reline the sewer under the building to be paid for by the developer, to increase structural stability of the sewer under load.*
- *Wall panels to be designed as small as feasible to reduce the loads should a crane be required to remove the panels at any time.*
- *Twenty four hour access to the manholes. This requirement to be added to the 88B documentation to formalise the requirement.*
- *Interlocking and removable paving/ panels over the sewer within 1 meter horizontal clearance from the pipe centreline for ease of access to the sewer.*

The second 150mm diameter sewer main that is located in Lot 29 Section 4 DP4043 does not appear to be impacted by the development; however an easement over the existing and/or new sewerage infrastructure will be required.

Section 3.2.7 of the Statement of Environmental Effects Report states that a treatment device is to be provided to the basement parking area with a pumped connection to discharge to sewer as trade waste. This shall also include any runoff from the wash bay also located in the basement."

Subject to appropriate conditions as recommended by Council's Water Unit being applied to any consent the proposal is considered to be acceptable with respect to the sewer infrastructure on the site.

Dewatering

The subject application incorporates dewatering in relation to the installation of stormwater treatment devices and typical underground services. Furthermore, the method of foundation may also necessitate dewatering. In this regard it is noted that the application incorporated an Integrated referral to New South Wales Office of Water in this regard. General Terms of Approval for works requiring a license under Part 5 of the Water Act have been received in this regard which are to be attached to any consent.

The application has also been reviewed by Council's Environmental Health Unit in this regard who have provided the following comments and a number of recommended conditions with respect to dewatering on the site.

"Groundwater has been identified at between 1.5 and 1.7m below ground level and some minor dewatering will be required. Indurated sand

(coffee rock) was encountered in all boreholes between 1.5 and 2.8m below ground level.

Excavated groundwater will require treatment to increase pH, precipitate dissolved metals, remove suspended solids and remove semi-volatile hydrocarbons. Dewatering flows will be directed to stormwater following treatment to the north east of the site (terminating in the Tweed River in Frances St). The stormwater inlet to the south east has not been recommended for use as it terminates in the Southern Boat Harbour.

Continuous odour monitoring will be undertaken to identify odours to avoid potential impacts of neighbouring users. Noise control measures will be utilised for dewatering operations. Prior to discharge, groundwater will be recirculated back into the open excavation to enable water quality to stabilise. The pH will be monitored to prevent dissolved metals to floc within the receiving waters. Specialised remediation equipment will be required to treat hydrocarbon contamination prior to releasing groundwater from the site. Cessation of dewatering will occur where non-compliance and/or environmental impacts are beyond unacceptable limits."

The proposal is considered to be acceptable subject to the inclusion of the conditions recommended by both the NSW Office of Water and Council's Environmental Health Unit on any consent.

Noise

An Acoustic Assessment by TTM Consulting (Ref. 13GCA0038 R01_7) and dated 16 July 2014 has been prepared and submitted with the application which provides an analysis of road traffic noise and noise from the development to off-site receivers. This has been reviewed by Council's Environmental health Unit who have provided the following comment with respect to the proposal:

"The impacts of the development on neighbouring residences and the impact of the road traffic noise on the development have been considered.

The consultant has advised that the development effectively satisfies the day, evening and night criteria where the waste collection services are limited to daytime operations only. In addition, speed bumps should be built into the finished surface of the carpark (no metal speed bumps) and grates and other protective covers in the carparks and access driveways must be rigidly fixed to eliminate clanging.

Glazing treatments have been identified for the building, particularly for rooms identified on the worst affected facades (east and north).

Mechanical plant has not yet been selected by the applicant. The consultant has advised that noise levels should be designed to achieve compliance with the criteria identified for all plant operating as a

combined noise level and that it is possible to achieve compliance. Conditions to apply."

A number of recommended conditions of consent have been provided by Council's Environmental Health Unit in order to mitigate potential noise impacts arising from the proposed development and requiring that the provisions of the submitted Acoustic Assessment be complied with. Subject to the application of these conditions the proposal is considered to be acceptable with respect to noise impacts.

Hours of Operation

The submitted application is for a 24 hour a day, seven day per week Police Station. Council's Environmental Health Unit has reviewed the application with respect to this, raising no issue with this component of the development. A recommended condition of consent has been provided which restricts the servicing of waste facilities to between the hours of 7.00 am to 6.00 pm Monday to Saturday and 8.00am to 6.00 pm Sunday and Public Holidays in order to minimise any adverse impacts in this regard. Subject to the application of this condition, the proposed development, located in the Commercial Core zone, is considered to be acceptable with respect to the proposed hours of operation.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The subject site is located in an area where there is a diverse range of surrounding land uses and development with residential, commercial, and recreational uses all within a relatively short distance of the site.

The proposed development is for a public administration building in the form of a Police Station. The proposed works are not considered to result in an unacceptable impact on surrounding development by virtue of being a permissible use on appropriately zoned land. Accordingly the proposal is recommended for conditional approval.

(d) Any submissions made in accordance with the Act or Regulations

The application was placed on public exhibition for a 30 day exhibition period as an Integrated Development in accordance with the Environmental Planning and Assessment Act. During the exhibition period Council received three written submissions, detailed as follows:

Submission No. 1. Received from Budd and Piper Solicitors on behalf of Karmap Pty Ltd, stated as being the owner and operator of Tweed Central Motel, 91-93 Wharf Street, Tweed Heads

(Note: Council records indicate a different landowner of this property)

"Our client is the owner and operator of the leasehold motel business known as 'Tweed Central Motel', 91-93 Wharf Street, Tweed Heads 2485. It acquired the business in August 2012, with leasehold rights continuing until 28 February 2026.

Our client objects to Development Application DA 14/0475. The grounds for objection are set out as follows.

Our client's business is a thriving family motel abutting the southern boundary of the site of the proposed development. Given the nature of the motel business, the peace, comfort and enjoyment of motel guests and visitors is of paramount importance to the success of the business. Our client submits that the known and potential adverse impacts upon its business during the demolition, excavation and construction phases of the proposed development, and the consequential damage to the financial viability of the business, will be both severe and permanent.

Our client further submits that the proposed development is likely to cause its business to suffer from significant levels of noise, dirt and dust pollution, both during the day and also after hours should night works occur. Given the scale of the development, such works will continue for many months and this will have a ruinous effect on the viability of the adjoining motel business. Our client submits that the proposed development is likely to cause the business a significant loss of trade and clientele to local competitors during the construction phase with long term effects.

Our client further submits that the proposed development is likely to cause significant traffic congestion within the vicinity and impede access to its business, both during the development phase and after completion.

Karmap Pty Ltd wishes to place on record its objection and the grounds for such, before the development application is determined by Tweed Shire Council as the consent authority. In the event the proposed development ultimately is approved, our client submits that Council should address the grounds of this objection, for instance, by the inclusion of strict terms and conditions in the development approval and stringent monitoring of compliance, so as to limit the extent of noise, dust and other pollution and generally to mitigate the adverse impact of development works upon the motel."

Applicants Response

It is expected that Council [and the JRPP] will apply conditions of development consent requiring construction works to occur in accordance with relevant Council and EPA standards. Such conditions would normally include matters such as specifying hours during which construction and demolition works may occur as well as requirements to manage offsite impacts associated with construction. In addition, it is expected that a condition will be applied requiring the preparation of a "Construction Management Plan" which, in part, will address issues relating to traffic management during demolition and construction.

With respect to ongoing traffic impacts in the locality, the report prepared by TTM Consulting and submitted with the application demonstrates that the development has been provided with adequate car parking to accommodate

expected demands. In addition, the report demonstrates that the surrounding street network has the capacity to accommodate traffic generated by the development.

Council Officer Assessment

The proposed access and parking arrangements for the Police Station development have been reviewed by Council's Traffic Engineer and Roads and Maritime Service (RMS) with the proposal being assessed as acceptable and an amendment of the proposal is not considered to be warranted in this regard.

With respect to any impacts arising such as 'noise, dirt and dust pollution' it is noted that standard conditions of consent have been applied with respect to hours of construction/demolition and dust mitigation measures as follows:

Hours of Construction/Demolition

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.

Dust

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

Furthermore a standard condition is recommended to be applied to any consent which would require the preparation of a Construction Management Plan which would address issues with respect to hours of work, traffic and pedestrian management, noise and vibration management and erosion and sediment control in order to mitigate any impact from the proposed development on the surrounding area.

Having regard to these conditions to be applied, the proposal is considered to be acceptable in this instance and will mitigate any potential impacts as outlined in the received submission. The subject application relates to a permissible form of development in an area which is zoned for such a development. In this regard the proposal is considered to be acceptable and does not warrant amendment of the proposal.

Submission No. 2 - Russell J Baxter Solicitor, Florence Street, Tweed Heads

"Both the Police Station and Court House should move. They both exist in what is predominantly a residential area. Further, Recreation Street only allows a left hand turn from the Boyds Bay end severely hampering access to the Police Station and egress in an emergency.

The lack of parking and facility on Court days is substantial and causes aggravation with local residents and the small number of businesses in the immediate area.

To have a Court in one location and a Police Station in another location is bad planning

This will use valuable Police resources, mean that prisoners will have to be escorted and puts ordinary people at risk. Prisoners who are in the Police Station should be brought directly into Court and not through the streets of Tweed Heads.

It is good planning to move both the Police Station and Court House and have a Police/Court precinct within the Tweed Heads CBD. It adds to the local business section and makes good planning sense. The current location is simply bad planning.

To move only the Police Station is again bad planning on bad planning."

Applicants Response

NSW Police are confident that the Tweed Byron Local Area Command can function safely and effectively at the proposed site. The decision to retain the existing court house at Recreation Street has been made jointly by Department of Attorney General & Justice and NSW Police having regard to the operational requirements of the Courts and budgetary limitations.

Council Officer Assessment

This submission generally relates to issues around the current location of the Police Station and Courthouse including parking and access. Furthermore an objection is made with respect to the proposal as it would result in the police station and courthouse no longer being located at the same site.

Having regard to this submission and the response provided it is considered that issues surrounding existing traffic or access arrangements for a Police Station/Courthouse development elsewhere in Tweed Heads could not be used as reasons to substantiate a refusal of this application. The proposed development has been assessed with respect to vehicular parking and access as outlined elsewhere in this report and is considered to be acceptable in this regard.

The subject application is not considered to warrant refusal based on the issues raised in this submission

Submission No. 3 - Kingscliff Ratepayers and Progress Association Inc

"This DA was discussed at our last meeting held 1/9/14 and the members present authorised me to make a very general submission on the proposal for the new Tweed/Byron Local Area Command Centre.

Over-all members are relieved to finally see a new proposal for the Tweed Byron LAC. The main concern agreed upon by members pertains to the physical security of the back wall that will present to Beryl Street, given that it will have public car parking on site and Beryl Street can be a dark area overnight, even with the available street lighting.

We are not asking for the public car park to be removed, simply asking that this area be provided with the highest order structural integrity that will protect the building itself and therefore the people inside the building, and, if residents around that area have any concerns with this area as proposed (regarding their own security) we would support additional lighting and/or additional CCTV be erected within the public car parking area of Beryl Street, to ensure maximum security for all.

Naturally, we recognise that the matter will be assessed on its merits."

Applicants Response

Security represents a key design requirement for all Police Stations. With respect to the rear car park, this area will be lit to enable ongoing surveillance and monitoring by CCTV. In addition, passive observation will occur over this area from windows within the Police Station building as well as via police vehicles accessing the secure car park area.

Council Officer Assessment

The issues raised in this submission are not considered to represent an objection to the overall development proposal but rather raises some concerns with respect to the physical security of the building structure and if required that additional lighting/CCTV be provided.

These issues are considered to relate to the detailed design phase of development, at which point security lighting and CCTV would be provided, as per the requirements of the proponent. In this regard the response provided by the applicant is considered to be acceptable in this instance, with the issues raised having been appropriately considered.

Public Authority Submissions

NSW Department of Primary Industries (Office of Water)

The subject application was lodged as a nominated Integrated development with a permit required from New South Wales (NSW) Office of Water under Sections 89, 90 and 91 of the Water Management Act 2000 for dewatering. General Terms of Approval have been received from NSW Office of Water which are recommended to be placed on any consent in the event of approval.

Essential Energy

The application was referred to Essential Energy under the provisions of Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007, requesting any comments within 30 days of the date of correspondence. As outlined elsewhere in this report the application has been discussed with the Planning Manager, Far North Coast Essential Energy who has raised no

objections to the proposal. The proposed development is considered to be acceptable having regard to this public authority submission.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The development is therefore considered to be in the public interest by providing a police station development in the Tweed Heads area.

OPTIONS:

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with reasons for refusal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

CONCLUSION:

The proposed development is considered suitable for the site as it is a permissible form of development and the relevant planning considerations have been taken into account in the assessment of the application. The proposed development does not present any issues that are considered to be contrary to the public interest and generally aligns with the applicable development legislation, as outlined in this assessment report.

UNDER SEPARATE COVER:

Nil.

RECOMMENDATION:

That Development Application DA14/0475 for the Demolition of Existing Commercial Building and Construction of Police Station (Tweed/Byron Local Area Command), Incorporating Carparking, Landscaping, Signage, Civil Works, Awning Over Public Footpaths and Consolidation of Allotments (JRPP) at Lot 30 Sec 4 DP 4043; No. 22 Beryl Street; Lot 1 DP 329246, Lot 29 Sec 4 DP 4043 & Lot 31 Sec 4 DP 4043; Lot 2 DP 329247; Lot 3 DP 329248; Lot 4 DP 329249; No. 83-89 Wharf Street TWEED HEADS; Wharf Street TWEED HEADS, be approved subject to the following conditions: -

GENERAL

1. The development shall be carried out in two stages as follows:
 - **Stage 1**
Demolition of all existing structures on the land;
 - **Stage 2**
Erection of the proposed Police Station and associated works; and

Amalgamation of allotments into a single title.

The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:

- Site Plan (Drawing No. DA0500 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Ground Floor Plan (Drawing No. DA1201 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- First Floor Plan (Drawing No. DA1301 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Second Floor Plan (Drawing No. DA1302 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Plant Room (Drawing No. DA1401 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Roof Plan (Drawing No. DA1402 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Elevations-Sheet 1 (Drawing No. DA1501 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Elevations-Sheet 2 (Drawing No. DA1502 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014; and
- Sections (Drawing No. DA1601 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014,

except where varied by the conditions of this consent.

[GEN0005]

2. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
4. The development 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]
5. 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]
6. Three sewer manholes are present on this site. The manholes are not to be covered with soil or other material.

Should adjustments be required to the manholes or additional fill be proposed in the area of the sewer manholes, then application shall be made to Council's Water Unit for approval of such works.

[GEN0155]

7. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.
[GEN0180]
8. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Council's adopted Fees and Charges.
[GEN0190]
9. 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]
10. No offsite dewatering shall commence until Council's Environmental Health Officer is satisfied that the quality of water to be discharged will comply with any agreed water quality criteria.
11. Any traffic regulatory signage on the Wharf Street parking bays will require endorsement of the Local Traffic Committee and written approval by Council prior to installation.
[GENNS01]
12. The proposed development allotments (Lot 1 DP 329246, Lot 2 DP 329247, Lot 3 DP 329248, Lot 4 DP 329249, Lot 29 Section 4 DP 4043, Lot 30 Section 4 DP 4043, Lot 31 Section 4 DP 4043) are to be consolidated into 1 lot under 1 title. The plan of consolidation shall be registered with the Land Titles Office prior to the occupation of the Police Station building.
[GENNS01]
13. The proposed public art feature wall is subject to the provisions for public art in the Tweed Shire Council Placemaking and Public Art Policy and its final design is to receive the written approval of Council's General Manager or delegate.
14. The proposed development is to be undertaken in accordance with the Stormwater Management Plan (Ref 13/066 Rev A) dated July 2014 prepared by Newton Denny Chapelle. Prior to the occupation of the building the applicant is to submit, for the written approval of Council's General Manager or his delegate, certification from a suitably qualified engineer demonstrating that the development has been undertaken in accordance with this Stormwater Management Plan.
15. Earthwork activity on site shall be undertaken in accordance with the Geotechnical Investigation Report prepared by Geotech Investigations Pty Ltd (dated July 2014), including the undertaking of a drawdown analysis on the water table and a dilapidation survey detailing the current condition of the

adjacent buildings and infrastructure, except where varied by the conditions of this report or approved otherwise by Council.

16. Erosion and Sediment Control shall be designed, installed and maintained 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".
17. Approval is given subject to agreement of the developer to pay for costs incurred by Council for structural relining of the sewer under the building.

[GENNS03]

PRIOR TO THE COMMENCEMENT OF WORK

18. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards.

[PCC0055]

19. The developer shall provide a minimum of 66 off-street parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the commencement of Stage 2 works.

[PCC0065]

20. Prior to the commencement of any demolition/construction work on the site, a Construction Management Plan shall be submitted to Council for the written approval of the General Manager or delegate. The Plan shall address, but not be limited to, the following matters where relevant:

- a) Hours of work;
- b) Contact details of site manager;
- c) Traffic and pedestrian management;
- d) Noise and vibration management;
- e) Construction waste management; and,
- f) Erosion and sediment control.

Where construction work is to be undertaken in stages, the Proponent may stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work.

[PCC0125]

21. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), prior to commencement of building works any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 is to be paid (as applicable). Council is authorised to accept payment.

[PCC0285]

22. All imported fill material shall be from an approved source. Prior to any filling occurring on site the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any

contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

23. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the commencement of Stage 2 works.
[PCC0585]
24. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to commencement of work on the site. Safe public access shall be provided at all times.
[PCC0865]
25. 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 (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -
 - (a) Construction of vehicular accesses of Beryl Street and Wharf Street
 - (b) Removal of 5 on-street public car parking spaces on Wharf Street
 - (c) Conversion of 4 existing public car spaces on Wharf Street to operational spaces for the Police Station.
 - (d) Construction of concrete footpaths on Wharf Street (full width concrete) and Beryl Street.

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
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable)

[PCC0895]

26. Details from a qualified Structural Engineer are to be submitted to Council's General Manager or his delegate 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 commencement of Stage 2 works.
27. Permanent stormwater quality treatment shall be provided in accordance with the following:
 - (a) A detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development is to be prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

- (b) 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.
- (c) It is encouraged that the stormwater and site works incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
- (d) Specific Requirements to be detailed within the Stormwater Management Plan shall include:
 - (i) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
 - (ii) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
 - (iii) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

28. Approval for building works that involve any of the following:

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

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

29. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the commencement of Stage 2 works.

[PCC1195]

30. Where water is to be drawn from Councils reticulated system, the proponent shall:

- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.

- Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Councils adopted fees and charges.
- [PCC1205]
31. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.
- [PCC1225]
32. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system pollutant discharge greater than or differing from domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the commencement of Stage 2 works to discharge to Councils sewerage system. A Trade Waste Application fee will be applicable in accordance with Councils adopted Fees and Charges.
- [PCC1255]
33. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.
- [PCC1265]
34. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.
- [PCC1275]
35. The carwash bay shall be bunded to prevent contamination of car parking stormwater. Treated carwash runoff shall be discharged to the sewer (if levels permit) and shall be subject to a separate Trade Waste Application prior to the commencement of Stage 2 works.
36. The application for drainage works under Section 68 of the Local Government Act shall include confirmation (with supporting calculations) that the development is discharging stormwater into the existing piped drainage systems (both north and south of the development's frontage) in Wharf Street equivalent to the current distribution of discharge and not exceeding the current discharge rates (pre this development), or alternatively provide an hydraulic assessment of the downstream drainage network proposed to be discharged into, showing availability of required additional capacity to support stormwater discharge varying to that currently available. The development cannot discharge stormwater at rates exceeding the existing discharge rates (no worsening case).
37. Prior to the commencement of Stage 2 development works an updated civil work plan and amended Structural/ Footing Plans to be submitted be

approved by the General Manager or his delegate for approval prior to construction.

38. Council requires a legal arrangement which will burden current and future owners of the property to permit Council to maintain, and re-construct these works as and when required. Twenty-four hour access is required to enable repair, maintenance and reconstruction of the sewer.
 39. Sewer depth and actual location must be confirmed on site and recorded on construction plans prior to Stage 2 construction.
 40. A qualified Structural Engineer shall design any retaining walls, pier or footing depths based on the geotechnical conditions on site and the plans must be submitted to the General Manager or his delegate to demonstrate the Council Sewers - Works in Proximity Policy has been adhered to.
 41. The developer is required to excavate down to the obvert of the existing sewer under the proposed building and replace any cohesive soils within the area of influence with sand or a loose granular insitu material.
 42. Interlocking and removable paving/ panels over the sewer within 1 meter horizontal clearance from the pipe centreline for ease of access to the sewer must be shown on the final construction plans.
 43. Structural detail for the wall panels over the sewer line to be provided to the General Manager or his delegate for approval.
 44. Wall panels are to be designed to minimise the loads and crane size required to remove the panels at any time.
 45. A minimum of 2.4 metres vertical clearance in proximity to the sewer is required to enable clear access and adequate clearance to work in the space for sewer maintenance or repairs.
- [PCCNS01]
46. The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Acoustic Report for 83 Wharf Street, Tweed Heads prepared by TTM Consulting Pty Ltd dated 11 July 2014 (Reference: 13GCA0038 R01_7) have been incorporated into the design. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of Council's General Manager or delegate prior to the commencement of work for each stage.
- [PCCNS01]
47. The carwash bay shall be bunded to prevent contamination of car parking stormwater. Treated carwash runoff shall be discharged to the sewer (if levels permit) and shall be subject to a separate Trade Waste Application prior to commencement of Stage 2 works.
 48. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth 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]

49. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

50. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]

51. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, 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 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
- (b) stating that unauthorised entry to the 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.

[PCW0255]

52. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

53. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:

- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building / property from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
- (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

54. A Dilapidation Report detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and

driveways is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report is to be submitted to and accepted by Council prior to commencement of ANY works on the site.

[PCW0775]

55. 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. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

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]

56. 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]

57. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

58. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.

[PCW1105]

59. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). 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.

[PCW1170]

60. Any alterations to approved engineering plans shall be provided to Council's General Manager or his delegate for approval prior to construction.
61. Excavation, shoring and dewatering of the approved works must be considered when undertaking works. Any permits required to undertake dewatering shall be obtained prior to commencing. The applicant shall conduct a thorough site assessment to determine trench safety for the approved works.
62. Should any part of the sewerage reticulation infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.

63. Prior to the commencement of Stage 2 works a detailed streetscape plan of both Wharf Street and Beryl Street is to be submitted to Council for the written approval of the General Manager or his delegate. The streetscape plan is to include details relating to the following:

- Extent of new vertical kerb to replace existing crossovers and crossover treatment to the underground car park.
- All pavement finish types (plain grey, broom finish is the preferred pavement to tie in with the existing streetscape upgrade, with small sections of exposed aggregate).
- Extent of turfing (if any as shown on the artist impression).
- Any street tree planting and their location and type.
- There appears to be an opportunity for one street tree planting between the last police car and access into the underground car park (refer to Ground Floor Plan Drawing No. DA1201 Rev A prepared by Gardner Wetherill & Associates and dated 24 July 2014)
- And tree planting within the blister island adjacent the disability parking space.
- Any proposed street furniture including seats, bins and benches that comply to Tweed shire Council preferred street furniture palette.
- Any proposed streetscaping, pathways, crossovers etc along Beryl Street.

[PCWNS02]

64. An updated south elevation plan is to be submitted providing for the treatment of this elevation with materials/further feature wall consistent with the treatment of the Wharf Street elevation. This is considered necessary due to the anticipated pedestrian interface. This material treatment is to obtain the written approval of Council's General Manager or delegate prior to the commencement of Stage 2 work on the site.

[PCWNS03]

DURING CONSTRUCTION

65. All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, drawings and specifications.

[DUR0005]

66. 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]

67. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
- $L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
- $L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- [DUR0215]
68. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
- [DUR0225]
69. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.
- [DUR0235]
70. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.
- [DUR0245]
71. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.
- [DUR0255]
72. 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 .
- [DUR0375]
73. 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]
74. 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 Work Health and Safety Regulation 2011.

[DUR0415]

75. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Council's road reserve.

[DUR0435]

76. 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, Work Health and Safety Regulation 2011.

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]

77. 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.

[DUR0675]

78. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

79. The proposed car wash-down area must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for use within the area. Run-off must be discharged into the sewer network (if levels permit) in accordance with Council's Trade Waste Agreement.

[DUR0975]

80. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

81. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the occupation of the Police Station building.
[DUR0995]
82. 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 necessary 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]
83. All works shall be carried out in accordance with the Acid Sulfate Soil Investigation and Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09_83 Wharf St_ASSI_v2).
[DUR1065]
84. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.
[DUR1415]
85. A full width reinforced concrete footpath is to be constructed along the entire road frontage of the development to Wharf Street from the property line to the back of the existing kerb in accordance with Councils Development Design and Construction Specification.
[DUR1755]
86. 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]
87. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during demolition or construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings.
[DUR1875]
88. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
[DUR1885]
89. Where existing kerb, footpath or driveway laybacks are to be removed for new driveway laybacks, stormwater connections, pram ramps or for any other

reason, the kerb, footpath or driveway laybacks must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

90. 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 Division to arrange a suitable inspection.

[DUR1925]

91. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

92. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

93. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[DUR2205]

94. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]

95. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

96. Council is to be given 24 hours notice for any of the following inspections prior to the stage 2 construction works:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

97. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

98. 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]
99. 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]
100. 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:-
- * 45°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]
101. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.
[DUR2595]
102. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.
[DUR2625]
103. The piers/ footings are to be sited at least 1.0 metres 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 practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main and that the design meets the Council Sewers - Works in Proximity Policy.
104. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
[DUR2675]
105. A Trade Waste Agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement
[DUR2685]
106. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.
[DUR2705]

107. All dewatering operations shall be carried out in accordance with the provisions of the Dewatering Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09_83 Wharf Street_DMP_v2). A copy of the Plan shall be provided to the site manager, project manager and all other persons provided with responsibilities under the provisions of the Plan. In addition a copy of the Plan shall be kept onsite while dewatering operations are being carried out.
108. The names and 24 hour contact phone numbers of the site manager, project manager and all other persons provided with responsibilities under the provisions of the Dewatering Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09_83 Wharf Street_DMP_v2) shall be provided to Council's Environmental Health Officer prior to the commencement of dewatering operations.
109. Prior to the commencement of dewatering operations the applicant or their nominated representative shall consult with Council's Stormwater Maintenance Engineer in respect to the most appropriate method of connection of the de-watering system to Council's stormwater drainage system. The applicant or their nominated representative shall comply with any and all directions as may be provided by Council's Stormwater Maintenance Engineer.
110. Prior to the commencement of dewatering operations an examination of the quantity of pre-existing sediment within the stormwater drainage network that is intended to receive the de-watering discharge shall be undertaken by methods considered acceptable to Council's Stormwater Maintenance Engineer. Closed circuit television (CCTV) footage and a report of the findings of the examination shall be provided to Council's Stormwater Maintenance Engineer prior to the commencement of de-watering operations.
111. The frequency of the monitoring regime for the various parameters as listed within Section 5.8 of the Dewatering Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09_83 Wharf Street_DMP_v2) shall be increased at the direction of Council's Environmental Health Officer.
112. Hourly inspections extending over a 24 hour period of the stormwater discharge network that is receiving dewatering discharge shall be undertaken at the responsibility of the project manager during rainfall events. If the combined stormwater and dewatering flows are exceeding the capacity of the stormwater network, dewatering must temporarily cease until the peak flows from the catchment have subsided.
113. Upon completion of the dewatering operations, the applicant shall arrange for an inspection of any dewatering connection point to Council's stormwater system with Council's Stormwater Maintenance Engineer. The applicant shall comply with any directions issued by Council's Stormwater Maintenance Engineer in respect to the dewatering connection point.

[DURNS01]

114. Interlocking and removable paving/ panels over the sewer within 1 meter horizontal clearance from the pipe centreline for ease of access to the sewer must be installed.
115. During construction access to the sewer and sewer manhole must be available to maintain, and re-construct as and when required.
116. Continual sewerage services must be maintained for all properties upstream of or connected to the affected sewer, for the duration of the works.
117. Any damage to any property or services shall be the responsibility of the constructor. Reinstatement shall be to the relevant authorities or property owner's satisfaction and at the constructors cost.
118. Fire flow requirements for commercial buildings (22 L/s) in accordance with the Building Code of Australia must be met.
119. A minimum of 2.4 metres vertical clearance in proximity to the sewer is required to enable clear access and adequate clearance to work in the space for sewer maintenance or repairs.

PRIOR TO THE OCCUPATION OF THE BUILDING

120. Prior to the occupation of the building, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

121. Prior to the occupation of the building a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the building is first occupied. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

122. Prior to the occupation of the building, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

123. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

124. Upon completion of all works on the site and prior to the occupation of the building, a further Dilapidation Report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current, general and structural condition of adjoining buildings / sites, infrastructure and roads, as deemed applicable. The dilapidation report shall take into consideration the findings of the original Dilapidation Report and advise if any damages have occurred that could be attributed to the work, the subject of this development consent. If damages have occurred, the Principal Certifying

Authority and Council are to be provided with evidence that the damages has been repaired to the satisfaction of the certifying structural engineer OR that alternative mutually agreeable arrangements (ie: between the Developer and the affected property owner) have been finalised, prior to the occupation of the building.

A copy of the Dilapidation Report is to be provided to Council.

[POC0855]

125. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

(a) Easements for public sewer services/infrastructure on private property. The easement is required to permit Council twenty-four hour access to maintain, and re-construct the sewer as and when required.

126. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Council's General Manager or his delegate must be issued prior to the occupation of the building.

[POC0865]

127. Prior to the occupation of the building, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

128. Prior to the occupation or use of any building a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

129. Prior to the occupation of the building, documentary evidence of creation of the required 3.0m easement over the existing sewer on the south western boundary of the property shall be submitted to Tweed Shire Council.

130. Costs incurred by Council for structural relining of the sewer under the building to be paid for by the developer prior to occupation of the building.

131. Prior to the occupation of the building, documentary evidence shall be provided to Council to confirm the registration of Easements for services, Rights Of Carriageway and Restrictions As To User, as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

(a) Rights Of Carriageway over the entire car park and associated access on Lot 216 DP122768, benefitting Lot 217 DP122768.

(b) Rights Of Carriageway over the entire service driveway along the western and northern portion of Lot 216 DP122768, benefitting Lot 217 DP122768.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the Right Of Carriageway/Easement shall make provision for maintenance of the Right Of Carriageway / Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

132. Prior to the occupation of the building, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.
133. Prior to occupation of the building, reticulated water supply and outfall sewerage reticulation shall be provided in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.
- The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

134. Prior to the occupation of the building, documentary evidence shall be provided to Council to confirm the registration of a minimum 3m wide easement to drain sewage, located over any reticulated public sewer within the subject property. This easement shall be created in favour of Council.

No permanent structures are permitted within this easement, unless in compliance with Council's "Sewers - Work in Proximity" policy and approved by Council.

135. Prior to the occupation of the building, Works as Executed Plans of all public infrastructure within the subject allotment, shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.

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

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) 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.

136. Costs incurred by Council for structural relining of the sewer under the building to be paid for by the developer prior to Occupation of the Building.

[POCNS02]

USE

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

[USE0125]

138. 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 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]

139. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

140. The servicing of waste facilities shall be limited to between the hours of 7.00 am to 6.00 pm Monday to Saturday and 8.00am to 6.00 pm Sunday and Public Holidays.

[USE0285]

141. The development shall be carried out in accordance with the provisions of the Acoustic Report for 83 Wharf Street, Tweed Heads prepared by TTM Consulting Pty Ltd dated 11 July 2014 (Reference: 13GCA0038 R01_7).

[USE0305]

142. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the written to the satisfaction of the General Manager or his delegate.

[USE0875]

143. Any air-handling system, hot water system, humidifying system, warm-water system, water-cooling system or any other 'regulated system' as defined in Section 26 of the Public Health Act 2010 shall be operated and maintained in accordance with the relevant requirements of Part 2 Clauses 7, 8 & 9 of the Public Health Regulation 2012. A certificate to confirm that the regulated system is being maintained shall be submitted to Council on a 12 monthly basis.

[USE0945]

144. The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquires may be directed to the NSW Department of Health. The legislation may be viewed on the following website:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/O>

[USE1075]

145. All bulk waste collection activities shall occur within the property boundary.

[USE1345]

146. Immediately following the operation of the Police Station premises, a Post Construction Noise Impact Compliance Assessment report from a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate in respect to noise associated with the police station.

The assessment report shall consider the Acoustic Report for 83 Wharf Street, Tweed Heads prepared by TTM Consulting Pty Ltd dated 11 July 2014

(Reference: 13GCA0038 R01_7) and include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation.

The applicant shall carry out any such recommendations as provided within the noise assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

147. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate and in accordance with Development Control Plan Section A15 - Waste Minimisation and Management shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[USENS01]

148. The developer is to undertake care and maintenance operations of any streetscape landscaping for a minimum of 12 months after completion of the works and they are approved by Council. This is the establishment period for new plantings. Such maintenance will include all soft landscaping including plant care, mowing and weed control. Any power and water consumption costs during this period must also be met by the developer

[USENS02]

GENERAL TERMS OF APPROVAL FOR WORK REQUIRING A LICENCE (DEWATERING) UNDER THE WATER ACT 1912

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water 1912 must be obtained from the Department if the take of water exceeds 3ML/yr. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and it's authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
 - 1 - inspecting the said work
 - 2 - taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the

ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.

20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
21. The work shall be managed in accordance with the constraints set out in an Dewatering Management Plan approved by the Department.
22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.