

# Addendum Report

## 2014NTH013

Tuesday 14 October 2014

**Subject:** Development Application DA14/0475 - 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 TWEED HEADS; Lot 1 DP 329246 & Lot 29 Sec 4 DP 4043 & Lot 31 Sec 4 DP 4043; No. 83 Wharf Street TWEED HEADS; Lot 2 DP 329247; No. 85 Wharf Street TWEED HEADS; Lot 3 DP 329248; No. 87 Wharf Street TWEED HEADS; Lot 4 DP 329249; No. 89 Wharf Street TWEED HEADS; ROAD 5901; Wharf Street TWEED HEADS

**File Reference:** JRPP Reference: 2014NTH013  
Tweed Shire Council Reference: DA14/0475

The applicant was forwarded draft conditions of consent for the above referenced development on Monday, 29 September 2014.

These conditions were discussed with the applicants planning consultant (Newton Denny Chapelle) from this date with an email response received on Thursday 09 October, querying a number of the draft conditions.

As some of these conditions were provided from various units within Council it was considered appropriate to refer back to the original author where applicable in order to provide a detailed response to the applicant.

The relevant **condition**, the **applicant's response** (*italics*) and **Council Officer comments** have been provided below;

### Condition No.2

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.

*NSW Police signage is uniform in format, wiring and structural make-up. Current signage does not enable the dimming of illumination within the signs. See suggested alternate condition below;*

*Any illumination of signage is to be designed so as to minimise glare and not cause nuisance to the surrounding area.*

### Council Officer comment

No objection to proposed amended condition.

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### Condition No.13

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.

*Council's Public Art Policy is targeted at artworks to be commissioned by TSC. It does not relate to artworks to be commissioned by other parties. Please see following suggested alternative, which is based on the selection criteria within the Council Policy.*

*The proposed public art feature wall is to be designed and commissioned having regard to:*

- Public safety, risk and the public's use of and access to the space;*
- Consider maintenance and durability requirements;*
- Clearly demonstrate the relevance of the work to the subject site; and*
- The capacity of the work to contribute to the amenity of the locality and address aspects of the Tweed's history, culture, environment and society.*

*The final design is to receive the written approval of Council's General Manager or delegate.*

#### Council Officer comment

No objection to proposed amended condition.

### Condition No.14

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.

*Council doesn't have an approval role at this juncture.*

#### Council Officer comment

The proponent has recommended that the requirement for the written approval of Council's General Manager or his delegate should be deleted from this condition. No objection to proposed amended condition.

### Condition No.19

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.

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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.

*Car park needs to comply with AS2980. Council does not have an "approval" role. Recommended condition as follows;*

*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. Off-street car parking is to be designed in accordance with AS2980.*

*Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council prior to the commencement of Stage 2 works.*

### Council Officer comment

No objection to proposed amended condition.

### Condition No.27

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

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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.

*Condition relates to permanent storm water quality issues. This sub-condition relates to the construction stage. As such (d)(i) above should be deleted.*

### Council Officer comment

Proposed amendment is considered acceptable. Revised condition 27 to be provided as follows;

- 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) 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.
    - (ii) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

### **Condition No.35**

- 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.

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*The entire secure parking area will drain to a water treatment device (oil water separator). Thereby separate bunding is not required. The following wording is recommended;*

*The carwash bay and secure parking area shall drain to a water treatment device prior to being 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.*

### Council Officer comment

Proposed amendment is considered acceptable.

### **Condition No.41**

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.

*Our clients strongly object to the application of this condition. The reasons are as follows:*

- 1.The footing and structural design has been amended through the application process to ensure that no additional loads are being placed onto the sewer line.*
- 2.The building design has been adjusted to ensure that there is adequate clearance for machinery in the unlikely event that Council needs to repair the sewer line. Furthermore, the building and paving has also been designed to enable parts of the building to be removed to facilitate such repairs.*
- 3.Conditions of development consent require our clients to pay for the relining of the line which will significantly extend the life of the line and reduce the likelihood of substantial repair work being required.*
- 4.Conditions of consent require our clients to create an easement to benefit Council over the sewer line. This is a significant concession on the part of our clients, who (for security reasons) do not typically permit other parties access to secure areas of the building.*
- 5.The cost of complying with this condition is expected to be significant given the depth of the sewer and, given the above measures, is considered unreasonable.*

### Council Officer comment

The developers proposed reasoning for deleting this condition is that it would add a significant cost due to the depth of the sewer & they will already be undertaking other initiatives (ie: relining cost, removable paving etc). One of the reasons that Council requested this condition is the proposed works do not meet the Sewer Works in Proximity Policy, as the proposed wall is less than Council's minimum 1.0 meter setback requirement.

Should the existing area of influence around the sewer contain non cohesive soils, Council will have limited space in which to work in on the northern side of the sewer trench. By replacing any cohesive soils with sand or a loose granular material within the zone of influence, the impacts on Council working within this limited area will be reduced.

It is currently proposed that Council absorb the costs hire a crane if it is ever required to remove the wall panels alongside the sewer. This is an expense that Council would prefer

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to minimise as much as possible. By providing this condition, Council hope that most maintenance or replacement works will not require the removal of wall panels.

Furthermore, it is possible that the soils around the existing sewer are already a sandy or a loose granular material and thus if proved during geotechnical inspections, this condition may not require action.

However it is recognised that where the sewer line is at 2.5 metres or deeper, the costs to undertake this work will increase. Therefore, it is suggested the developer undertakes the excavation works only between the manholes BQ/1 and BQA/1 (approx 18.3m length) which is 1 to 1.5 metres deep. This means that the small section of pipeline downstream of manhole BQ/1 at approx 2.43m depth will not be excavated. This is considered appropriate as much of the sewer will be exposed to these depths during the building demolition and construction works for the new building (including junction connection for their new building). As such, it is recommended that this condition no.41 be amended as follows

*"The developer is required to excavate down to the obvert of the existing sewer pipeline between manholes BQ/1 and BQA/1 under the proposed building and replace any cohesive soils within the area of influence with sand or a loose granular insitu material."*

### **Condition No.46**

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.

*Mechanical design usually occurs as part of the shop drawings and is not typically available prior to each construction stage. We note that the certifier will be responsible for ensuring that the treatments recommended by TTM are met as construction progresses.*

### **Council Officer comment**

The proponent has recommended an amended condition as follows;

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 Council's General Manager prior to occupation of the building.

No objection to proposed amended condition.



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### Condition No.47

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.

*Duplication of an earlier condition- deletion recommended*

#### Council Officer comment

No objection to deletion of condition.

### Condition No.60

60. Any alterations to approved engineering plans shall be provided to Council's General Manager or his delegate for approval prior to construction.

*Recommended that the word civil be inserted prior to 'engineering' as structural engineering matters will be managed via the certification process.*

#### Council Officer comment

No objection to amended condition, as follows;

Any alterations to approved civil engineering plans shall be provided to Council's General Manager or his delegate for approval prior to construction.

### Condition No.63

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.

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- Any proposed streetscaping, pathways, crossovers etc along Beryl Street.

*The following amendments to this condition are recommended;*

*Point 1: The word secure replace underground.*

*Point 5 deleted: Given the location of the awning over the public footpath, the planting of a tree in this location will breach Police security requirements relating to the proximity of trees to facades. Furthermore, the tree will partially obscure the view of the proposed art work.*

*Point 6 deleted: Tree in this location will partially obscure passive observation of the pedestrian walkway. As such, a tree in this location is not supported.*

### Council Officer comment

The proposed amendments are considered acceptable as they generally relate to security matters at a Police Station Building. As such it is recommended that this condition be revised as follows;

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 secure 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.
- 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.

### Condition No.64

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.

*Condition as drafted is very "open". Suggested revision provides clarification to the design team with respect to scope of changes required. Suggested revision as follows;*



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*An updated south elevation plan is to be submitted providing for the revised treatment of this elevation. The revised treatment is to include visual and textural relief from the first floor slab beam down to ground level. The 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.*

### Council Officer comment

The intent of this condition is to improve the building treatment to the south elevation, particularly for pedestrians utilising the public walkway. As such, the intent of this condition is maintained by the amended condition, which is considered acceptable.

### Condition No.80

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.

*All waste is to be disposed of at a licensed waste management facility and accordingly separate approvals are not required from Council for the disposal of this material. See suggested revised condition below.*

*Any soil, sand, gravel, clay or other material which is to be disposed of, shall be disposed of at a licence waste management facility.*

### Council Officer comment

The proposed revision is not considered to impact on the intent of this condition regarding the responsible disposal of the above materials. As such the revised condition above is considered acceptable.

### Condition No.91

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

*Development proposal involves building over the sewer in accordance with Council's adopted Policy. Revised condition recommended*

*No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains other than works completed in accordance with Council's Sewers – Works in Proximity Policy*

### Council Officer comment

The proposed amendment is acceptable in principle, but requires refinement as shown in red hereunder:

No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains other than works approved by this consent and works completed in accordance with Council's Sewers – Works in Proximity Policy.

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### Condition No.95

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.

*Testing for suspended solids occurs in a laboratory and it is therefore impractical to be completed on a daily basis. An alternate measure is provided within the revised condition. Please note, suspended solids testing is still proposed on a weekly basis in accordance with the Precise Environmental Dewatering Management Plan which accompanied the application. Recommended condition as follows;*

*All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and a maximum turbidity of 100 NTU. 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.*

#### Council Officer comment

It is noted that suspended solids will be sampled on a weekly rather than daily basis as per the Dewatering Management Plan (due to the testing taking place in the laboratory). This was discussed by Council's Environmental Health Officer with Precise Environmental who prepared the Management Plan and suggested the wording for this condition. It was agreed that 80 NTU would be more appropriate for turbidity. No objection raised subject to the following condition:

All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and a maximum turbidity of 80 NTU. 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.

### Condition No.106

106. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

*Addition proposed to end of sentence 'other than those constructed in accordance with the Build over Sewer Policy.'*

#### Council Officer comment

This condition relates to building over sewer - we agree to this change but would like a change their wording to match our Sewer - Works in Proximity Policy (they call it build over sewer policy) as follows;

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*"No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main other than those constructed in accordance with the Sewer - Works in Proximity Policy"*

No objection to amended condition as outlined above.

### **Condition No.112**

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.

*Hourly inspection on a 24 hour basis during rainfall events is impractical, overly onerous and not supported by our clients. An alternate condition regarding inspections is suggested.*

*Hourly inspections of the stormwater discharge network that is receiving dewatering discharge are to occur for rain events during working hours. 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. Pumps are to be scaled down / decommissioned where possible during periods where the site is unattended and high rainfall events are forecast.*

### **Council Officer comment**

This amended condition has been reviewed by Council's Environmental Health Officer and Assets and Maintenance Engineer who have advised that the proposed amendment is acceptable subject to the implementation of a standard condition requiring CCTV of receiving pit & first downstream pipeline reach before dewatering commences and another CCTV after completion. Any sand or material in line is then responsibility of contractor to remove prior to handover to Council. It is noted that this requirement is generally covered by recommended conditions 109, 110, 111 and 113 on this application and the proposed amendment is therefore considered acceptable.

### **Condition No.131**

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

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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.

*This condition does not appear to relate to the current application. Deletion recommended.*

### Council Officer comment

No objection to deletion of this condition.

### **Condition No.133**

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.

*Delete reference to Construction Certificate.*

### Council Officer comment

No objection to amended condition as outlined below;

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 Certification 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.

### **Condition No.140**

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.

*Council waste services often occur earlier than 7am. Recommended that condition be amended as follows;*

*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 other than when provided by Council's standard commercial waste collection service.*

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### Council Officer comment

The applicant has stated that Council waste services often occur earlier than 7am. This was discussed with Waste Services on 10/10/14 who advised that the hours in the original condition are consistent with Council's standard commercial waste collection service and Council does not recommended that collections take place earlier than these hours particularly within close proximity to residents except where there are occupational health and safety risks. Where waste collection hours are to be altered due to occupational health and safety concerns, a site specific assessment is made by Waste Services. The following amendment to the original condition is therefore recommended:

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, unless otherwise approved by Council's General Manager or delegate.

### **Condition No.142**

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.

*The Waste Minimisation Plan submitted with the application documents the approach proposed for managing waste during the operational phase of the project. It is requested that the requirement for the written approval of Council's General Manager or his delegate be deleted.*

### Council Officer comment

No objection to amended condition as outlined below as the development is still required to be consistent with DCP Section A15, which is the intent of the condition;

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.

David O'Connell  
Development Assessment Unit