

**JOINT REGIONAL PLANNING PANEL
(Northern)**

JRPP No	2015NTH014
DA Number	DA2015/0368
Local Government Area	Clarence Valley Council
Proposed Development	New Council Depot and Administration Building
Street Address	Lot 1 Rushforth Road, South Grafton (corner of Skinner and Tyson Streets South Grafton)
Applicant/Owner	Applicant: Schreiber Hamilton Architecture Owners: Clarence Valley Council
Number of Submissions	Eight (8) submissions against the development (four of which were late submissions)
Regional Development Criteria (Schedule 4A of the Act)	Clause 4 Council related development over \$5 million Development that has a capital investment value of more than \$5 million if: (a) N/A, (b) the council is the owner of any land on which the development is to be carried out, (c) the development is to be carried out by the Council, (d) N/A The development is for the purpose of a New Council Depot and Administration Building, with a capital value of \$6 million.
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (State and Regional Development) 2011 • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Business Zones Development Control Plan 2011
List all documents submitted with this report for the panel's consideration	• Application and Environmental Impact Statement 14 May 2015 • Submissions received during exhibition period • Plans of the proposed depot
Recommendation	That Development Application DA2015/0368 (JRPP reference No. 2015NTH014) be approved subject to the Conditions contained in the Draft Schedule.
Report by	Cheryl Sisson, Development Services Coordinator, Clarence Valley Council

Assessment Report

Summary

Application	DA2015/0368 JRPP ref: 2015NTH014
Applicant	Schreiber Hamilton Architecture
Owner	Clarence Valley Council
Address	Rushforth Rd, South Grafton NSW (corner of Tyson and Skinner Streets)
Legal description	Lot 1 DP557049
Submissions	Eight (8) submissions against the development (four of which were late submissions)

Development Application DA2015/00368 (JRPP Reference No. 2015NTH014) was received by Council on 2nd July 2015. It seeks consent for establishment of a new Council works depot and administration building, including workshop, stores building, vehicle parking and other ancillary uses on Lot 1 DP557049. The land is situated on the corner of Skinner Street and Tyson Street, South Grafton. .

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and the relevant environmental planning instruments which are discussed in detail in this report.

The application was advertised and notified for a period of 21 days; this being 7 days longer than required by Regulation. Eight (8) submissions were received against the proposal, with four received during the exhibition period and four received after the period had ended. The issues raised in all submissions have been discussed within this report.

Recommendation

That Development Application DA2015/0368 (JRPP reference No. 2015NTH014) be approved subject to Conditions contained in the Draft Schedule attached to this report.

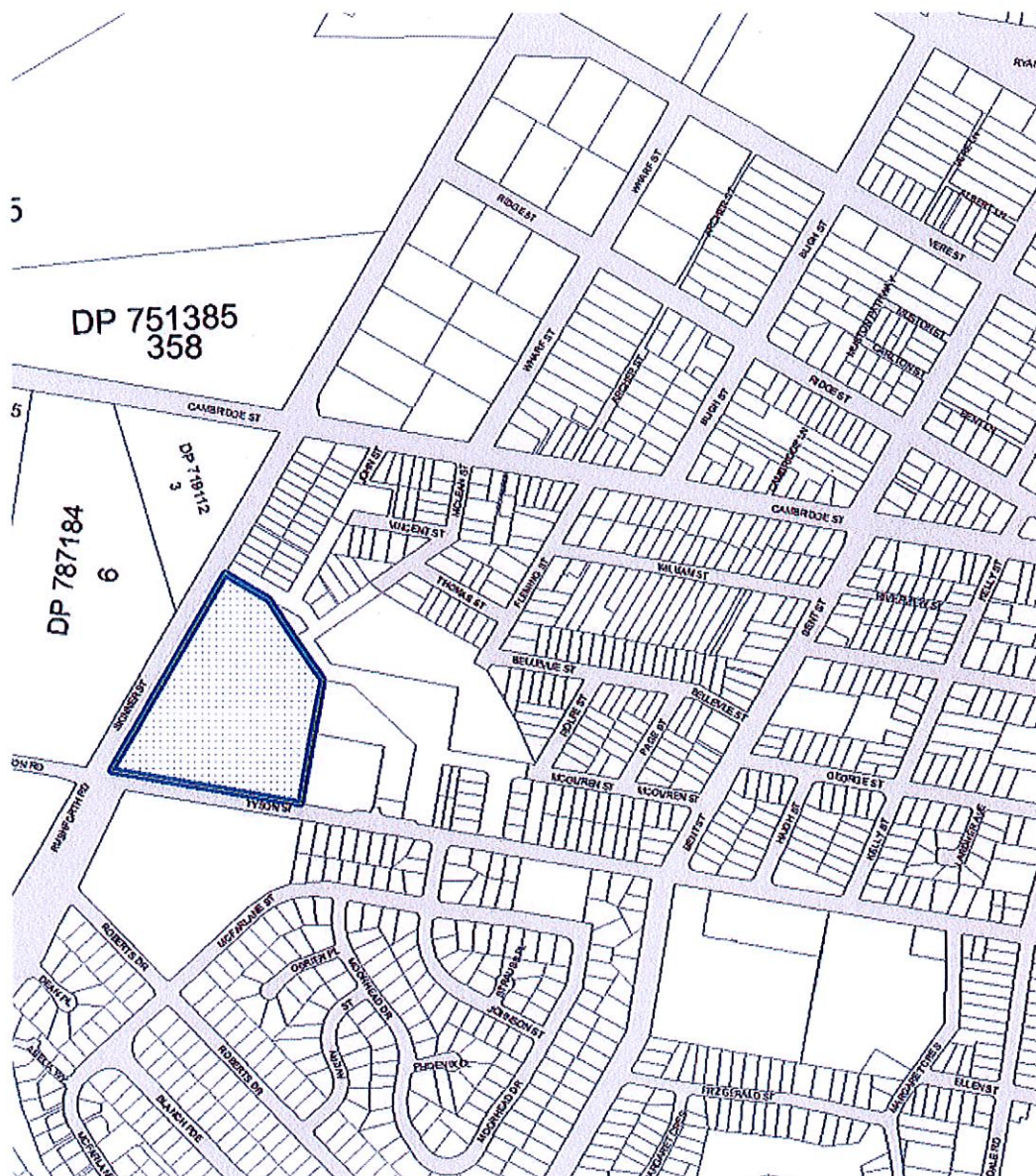
Site Description & Location

The site is described as Lot 1 DP557049 which is 4.67ha in area. Initially lot 2 DP521320 was included into the application; however that was an error, and it has now been removed. The land fronts Skinner Street which becomes Rushforth Road south of Tyson Street. A location map is shown overleaf as Figure 1.

Survey information indicates that the ground surface levels range from RL 6m to 17m Australian Height datum (AHD); with the slope being generally towards the south-west (towards Skinner Street). Vehicle access to the site is available from both Skinner Street and Tyson Street

Some scattered stands of vegetation of various native species, which were utilised as screen plantings around the boundary of the property exist on the site and will be retained where possible.

Figure 1: Locality Map (Source: CVC GIS)



The land previously contained the local sewerage treatment facility (STP) which ceased operating in 2010. Lot 1 DP 557049 is zoned SP2 'Depot and Public Administration Building' and lot 2 DP521320 is zoned R1 Low Density Residential. Lot 2 will not actually contain any of the actual Depot infrastructure and has now been removed from the application (see further comment below).

It is located on the fringe of the residential area (primarily characterised by single and 2 storey dwellings, South Grafton High school and parkland), with rural floodplain to the west. All infrastructure associated with the treatment facility, including buildings, remain on the land.

Previous site investigations have identified the extent of site contamination, which appears to be located in a number of hotspot areas. A summary of the site's contamination status can be found in the Remedial Action Plan (RAP) prepared by Parsons Brinckerhoff in 2013; however some uncertainties and unknown factors remain, including the presence and quantity of hazardous material in the STP buildings, ponds, and stockpiles; and status and

extent of the former sludge lagoon. A later RAP was provided dated 7 December 2015, prepared by Parsons Brinckerhoff. These documents are referred to in detail in a later section of this report.

Background

As mentioned previously, lot 2 DP521320 was initially included into the development application. It is a small parcel of land, some 0.7ha in area, located on the northern boundary of the subject site. However, that lot is not owned by Council and is not meant to be part of the application. As such has been removed from the application. While plans indicate that no actual elements of the depot extend onto that land, some plans still show its association with the development. Submission of amended plans, showing deletion of that lot, should be required as a condition of any approval.

The previous Grafton LEP zoned the land as 5(a) Special Uses Public Purposes to reflect the use of the site as a sewerage treatment plant. When the 2011 Clarence Valley LEP was adopted in December 2011, lot 1 DP557049 the zoned SP2 Infrastructure, continuing to reflect that use, but altering the wording to include the strategic intent for the future use of the land after decommissioning of the treatment plant. The annotation applied to the SP2 Infrastructure Zone at this site is '*Depot and public administration building.*'

Details of proposal

It is Council's intent to construct a new works depot in South Grafton which is consistent with its Asset management policy. The development of the new depot will include a number of different uses, buildings and structures. It will accommodate the operational functions of a works depot and the services to the community that such a depot would deliver; as well as the administration sections linked to that service delivery.

The proposed site coverage for the building footprints is to be some 8.4%. The development is proposed to include:

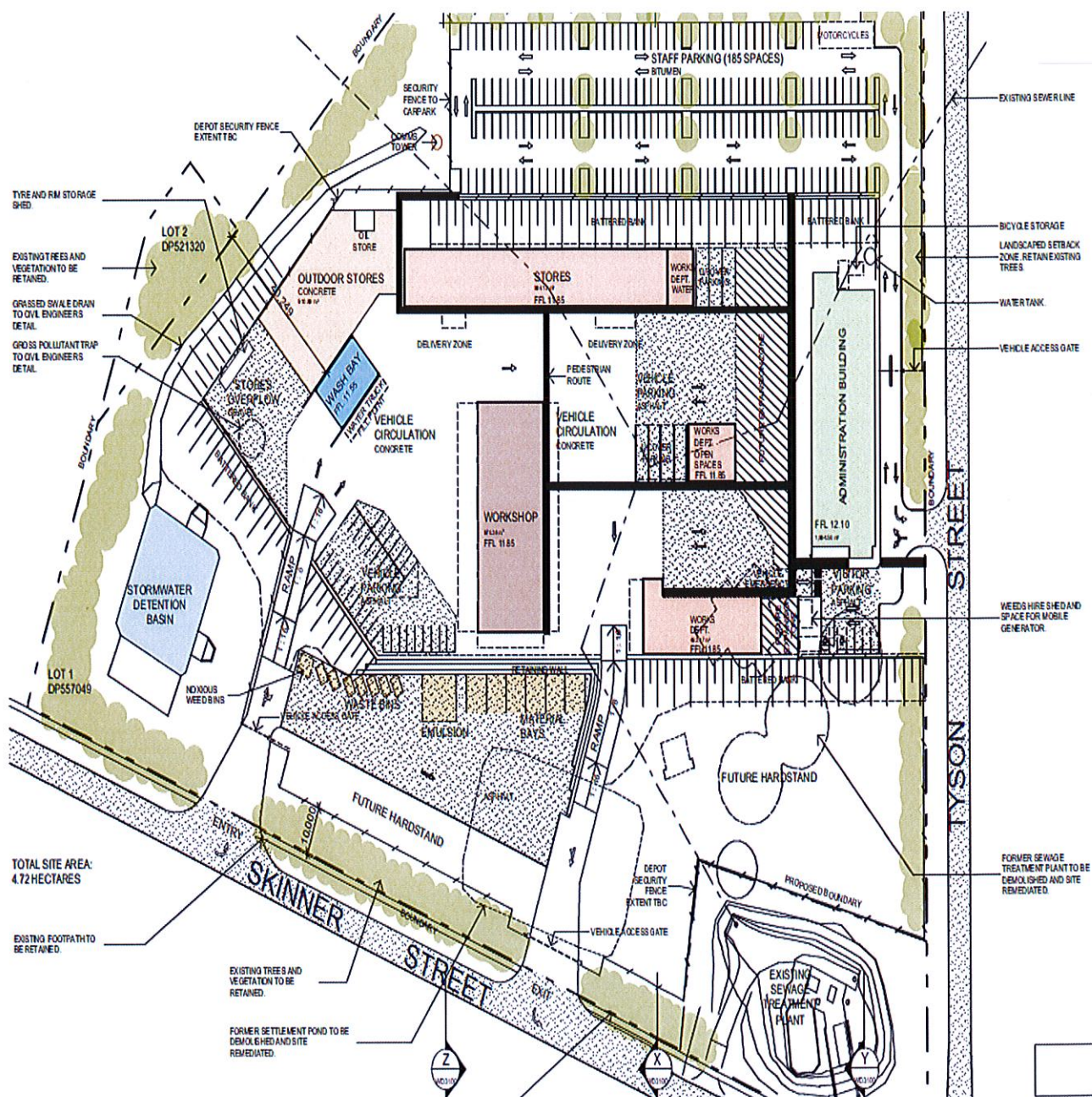
- Demolition of existing structures and plant facilities
- Remediation of any identified contaminated soils
- New administration building (1095m² approximate) with usual office facilities
- New workshop building (977m² approximate) including machinery shop, fabrications shop, vehicle service bays, storerooms (mezzanine 40m²) and office (mezzanine 110m²)
- Stores building (985m² approximate)
- Works department building (740m² approximate)
- Truck parking and wash bay (185m² approximate)
- Staff and office parking areas
- External storage areas (solid, waste bins, etc)
- Retaining walls, stormwater detention area and landscape treatments.

Figure 2 overleaf shows the site plan (see also attachments for larger scale of plan)

Statutory Development Assessment Framework

The Statutory Instruments and planning documents applicable to assessment of this development application are each addressed in the 79C assessment contained in this report.

Figure 2: Site Plan



Section 79C Assessment

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(1) the provisions of:

a) any environmental planning instrument

Environmental Planning and Assessment Act, 1979 and the State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is classified as regionally significant development under Schedule 4A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and is therefore subject to the provisions of the Act and Part 4 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP).

Under Schedule 4A of the Act and part 4 of the SEPP, Regional Panels may be authorised to exercise the consent authority functions of councils. The trigger for referral to the Panel is set out in subclauses (b) and (c) of Clause 4 of that Schedule (Council related development over \$5million) in that:

1. The projected cost of the development is \$6 million (as per the application form);
2. Clause 4(b) applies as *Council is the owner of the land on which the development is to be carried out*; and
3. Clause 4 (c) as *the development is to be carried out by the Council*.

State Environmental Planning Policy 55 – Remediation of Land

The historical uses of the site indicate that there is some degree of contamination as a consequence of past or current land uses. It is considered that a detailed investigation under the provisions of the SEPP 55 is required.

The Statement of Environmental Effects (SoE) noted that once the STP was non-operational, the land was used for the temporary storage of stockpiled material...generally imported fill. It also noted that... *'Previous environmental investigations identified hydrocarbons, benzo(a)pyrene, heavy metals and E.Coli bacteria were detected in numerous soil samples collected from the site.'*

Part 7 of the SEPP - Contamination and remediation to be considered in determining development application [requires that]:

- (1) *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 SEPP 55 Planning Guidelines 1998 provide further detail of when such remediation must occur. In particular the Guidelines state: *'When carrying out planning functions under the EP&A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. Decisions must then be made as to whether the land should be remediated, or its use of the land restricted, in order to reduce the risk.'*

Comments from Council's Senior Environmental Health Officer are as follows:

" while the RAP is acceptable (with conditions); due to the complex site history and contaminating activities that have occurred on the site an EPA accredited site auditor should be engaged to oversee the remediation and validation of the site..."

The RAP also notes that *'The use of the depot to store stockpiled soil was first noted in the 1978 aerial photographs...'*

The requirement for a site auditor is supported under Section 3.6.1 of the SEPP 55 Planning Guidelines which provides:

'As a general principle, a site audit is only necessary when the planning authority:

- believes on reasonable grounds the information provided by the applicant is incorrect or incomplete.*
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines*
- does not have the internal resources to conduct its own technical review.'*

The reasons given for requiring an auditor in this instance are:

- 'It is a complex site which has been used for potentially contaminating activities including the sewerage treatment plant and stockpile site since 1978.*
- Site investigations for the RAP were undertaken in May/ June 2012. The RAP does not reflect current site conditions (large quantities of fill are now located on the site in area 2C) and so the information in the RAP is currently incomplete.*
- The site is being developed to a more sensitive land use.*
- A site auditor has the specific expertise and experience for the assessment and remediation of contaminated sites such as this one and Council does not have the internal resources to conduct a detailed technical review of the remediation and validation.*
- An auditor will provide greater certainty for Council to ensure the site is made suitable for its proposed use.*
- The sites proximity to South Grafton High and surrounding residential premises*
- Council wishes to verify the information provided by the applicant will be adhered to and appropriate standards will be met.*
- Requiring a site auditor to be engaged will provide Council with more certainty that the site is suitable for its proposed use.'*

Relevant conditions have been recommended in respect to the above requirements.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is not a 'traffic generating development' under the SEPP and therefore did not require formal referral to the Roads & Maritime Service (RMS) in accordance with Section 104 of that document. Given the scale of the proposed development, it was, however referred on an informal basis. RMS advised that they had no comment to make.

Clarence Valley LEP 2011 (LEP)

The land is zoned as SP2 Infrastructure under the LEP. The zoning objectives are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The uses are defined separately as: *depot* and *public administration building* which mean:

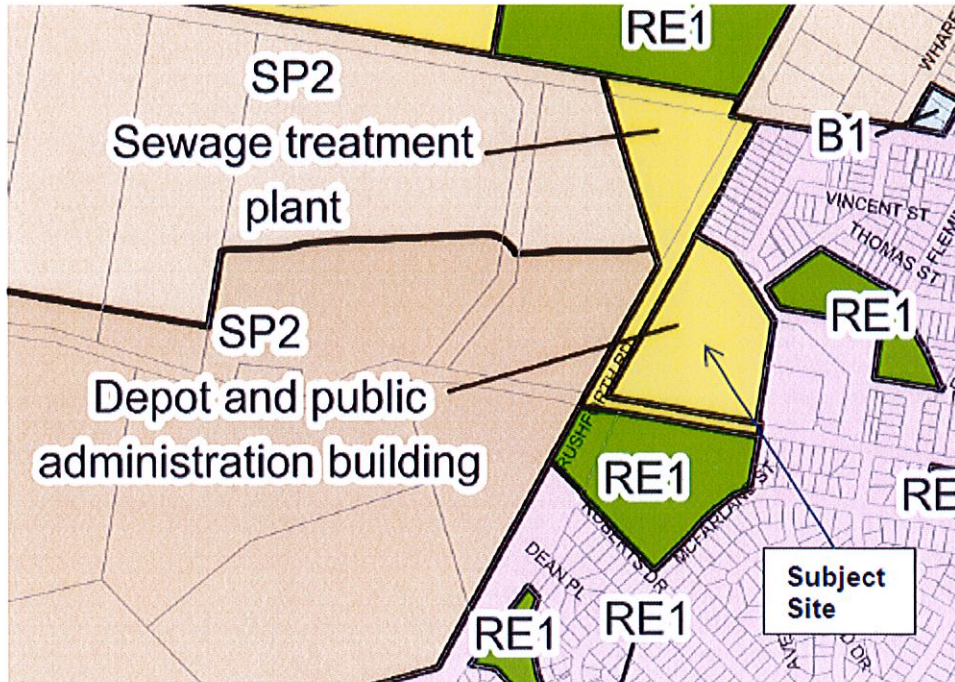
depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

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.

Uses permitted with consent within the SP2 zone include *'the purpose shown on the Land Zoning Map including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Community facilities; Environmental protection works; Flood mitigation works; Markets; Recreation areas.'*

The use shown on the Zoning Map is 'Depot and public administration building' (see Figure 3 below), and as such, both uses are permissible uses.

Figure 3 – Zoning Map



Other relevant clauses include:

Clauses 4.3 Height of Buildings: There is no maximum height shown on the relevant mapping for this site. The surrounding residential area has a maximum height limit of 9m.

The building heights for this proposal remain below that height, with the maximum height for the stores and works department building being 8.1m.

Clause 7.1 Acid Sulfate Soils (ASS): The ASS Map shows that the land may be affected by ASS. A stormwater detention pond is proposed in the north-western corner of the site. Earthworks associated with this structure have the potential to expose ASS. As such an ASS Management Plan should be required, and the Plan must contain details of procedures to minimise the risk of impacts from exposure of ASS across the site.

Clause 7.2 Earthworks: development consent is required to undertake earthworks associated with this development. Appropriate conditions will be recommended and the applicant will be alerted to the need to obtain relevant Civil and Building Construction Certificates.

Clause 7.3 Flooding: The land is on the fringe of the floodplain. A small area of low-lying land on the northern boundary falls within the Flood Planning Area. It is intended to do some reshaping of the site through cut and fill. However, the applicant has advised that the location of fill areas during a 1:100 year flood event will have no significant impact on flood flows or depths in the area. Appropriate conditions will be recommended.

Clause 7.8 Essential services: all services will be provided to the development.

b) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)**

Nil

c) **any development control plan**

The Clarence Valley DCP – Development in Environmental Protection, Open space and Special Use Zones applies to the land. The following table summarises the relevant points.

ISSUE	REQUIREMENT	SECTION	PROPOSED	COMPLIES
Objectives	Responsive to site constraints High quality development sensitive to character Functional and appropriate Adequate buffers to res land	C1	The objective of the DCP is to <i>'encourage development that complements the character of the locality and that is at an appropriate scale and form to minimise impacts on the environment and to minimise land use conflicts.'</i> See also comments below related to acoustic impacts.	Yes – the site is zoned to accommodate the use proposed, and is considered to be an improvement on the past uses.

Streetscape requirements	Presentation to street, setbacks, heritage, building height, fencing, landscaping	C4	The surrounding streetscape includes the school and residential development to the north-east. However, the site presents mainly to the south and west, where the landuse and streetscape is of a rural nature. Fencing and landscaping will be required.	Yes - Conditions for fencing and planting. Also, consideration needs to be given to appropriate lighting on the site.
Building Design	Siting, cut and fill, energy efficiency, materials and colours, carports & garages, privacy, etc	C5	See comments below	Yes
Landscape Plan	When required – on lots less than 500m ²	C16	A landscaping plan has been provided	Yes – condition
Setback	Each zone has a setback requirement. (nil specification for SP2 Zone)	C17	Setbacks comply	Yes
Development on flood prone land	See Part D of DCP	C18	See comment under the LEP assessment above	Yes
Building height	Maximum heights in LEP – other controls for internal lots and variations	C19 – C21	There is no maximum building height for this land. The maximum height of buildings is proposed to be 8.1m which is below the maximum 9m for surrounding residential development	Yes
Acid Sulfate soils		C22	The site is mapped as having Class 5 ASS. Conditions will be recommended to address disturbance of soils during excavation and construction	Yes – condition
Landslip and geotech hazard		C24	N/A	N/A
Waste management	Waste management	C25	A waste management plan will be required in	Yes

	strategy required		accordance with Council's 'Waste Not' Policy. This will be required prior to the issue of any Construction Certificate.	condition
Provision of essential services	Water, sewer, electricity, telecommun. services. Suitable road access	C26		Yes - condition
Fences and walls SP3 Zone		C28	Fencing will be required at both the construction and operational phases of this development	Yes - condition
Contributions			Both section 64 and section 94 contributions will apply to this development	Yes – condition

Part C.5 Building design: Buildings have been positioned to separate the workshop areas from the administration areas to reduce potential pedestrian and vehicle conflicts. The bulk and scale of the buildings has been minimised to reduce visual prominence. The industrial – style workshop buildings will incorporate design features such as mixed building material finishes and panelling to add visual interest; and awnings have been added for weather and sun protection.

Extensive perimeter landscaping will be added to screen buildings and internal activities from public view. It is proposed that plantings will be native species indigenous to the area. This can be conditioned.

Part F – Parking and Vehicle Access Controls

A Traffic Management Plan was provided with the application. This Plan identified the peak traffic movements to occur from 6.30am, with some 200 vehicles to arrive at the site over a 2 hour period. Some 50 vehicles are expected to leave the site during that time. On-going operations will create further traffic throughout the day. Movement from the site is expected to peak from 4.00 onwards as workers leave the site.

Council's Development Engineer has provided the following comments in respect to traffic movements:

'A traffic assessment was undertaken by SECA solutions. They have undertaken a Sidra intersection analysis for Skinner and Tyson Street with a 10 year horizon. Their assessment was that the intersection had excess capacity when this development was considered. There was concern that the assessment did not consider the full consequent of the peaks from surrounding developments. Consequently another assessment was undertaken by Council officers.

A traffic count was undertaken on 23 February 2016. [The purpose was] to ascertain the peak period traffic due to the neighbouring school. It was observed that traffic did not appear

to increase until 3:25pm. Subsequently this was when the study commenced. Maximum queuing at Tyson St and Skinner St intersection: 6 cars between 3:25 and 3:30. It was clear that the peak from the school was from 3.25pm until 3.30pm and then back to normal levels within 10 minutes. No queue observed at any other time.

With the finish times for the outdoor staff being later than 3:30 (peak time for the high school), it is not envisaged that this development will cause additional traffic in the area that will hinder the existing operation of the High School.

During peak traffic times for the Depot, the use of the boom gates and the internal queueing to exit onto Tyson Street, will slow the traffic flow onto Council Roads. With the existing traffic flows on Tyson Street and the surrounding road network, in addition to the many choices drivers could make to alleviate traffic congestion, the peaks for the Depot should be contained to manageable levels on the surrounding area.'...

'a footpath is of very high priority for Tyson St from Skinner St to the School and will be required as part of the new development. It will require to be constructed as a shared use path with a desirable width of 2.5m as per PAMP (2015).'

'Tyson Street to the north has Kerb and Gutter on both sides of the road. Across the road in the reserve does not have kerb and gutter. To protect the pedestrian on the path and the pavement it will be conditioned that kerb and gutter and associated drainage works is required along the frontage on Tyson Street from where it ends at the school.

Access: ... access arrangement for the trucks from Skinner Street were changed to left and right turn manoeuvres being allowed into and out of Skinner Street.

There is concern in regards to time it takes for the low loaders etc. to enter the site on Skinner Street. To alleviate this concern, a passing bay will be required at the entrance to the development on Skinner Street. The length of the pavement widening will need to accommodate the longest proposed vehicle turning into the site (25m low loader), and be wide enough to accommodate the manoeuvring path of this vehicle and another vehicle passing at 80km/hr.

Access and Egress to the site on Skinner, for the vehicle types proposed will need to be accommodated without crossing the centreline, or traversing the shoulder pavement. Survey of the access points with manoeuvring diagrams superimposed for the most critical vehicles proposed to use the site will be required to be submitted prior to release of the Civil Construction Certificate. This will show if any road or access widening is required. Any access/egress or road widening required to accommodate these movement to comply with Austroads will be required to be included in the Civil Construction Certificate.

The access on Tyson Street must be wide enough to comply with AS2890.1 and to allow all vehicles including 25m Low Loaders (during flood emergencies). The road pavement at the access must be widened to ensure the larger vehicles that will be required to use this access during flood emergencies can complete their manoeuvres on the pavement. Manoeuvring diagrams must be submitted to demonstrate how this can be accommodated in accordance with Austroads. This access must also be upgraded to a BAR type intersection in accordance with Austroads to facilitate the passing of vehicles when vehicles are queueing to enter the site.

Due to the number of trucks that will be entering and exiting the site, particularly during peak periods, Truck Turning signage will be required on Skinner Street. These will need to be installed in accordance with AS1742."

Parking:

A total of 185 car parking spaces are shown on-plan for staff as well as an area for motorcycle and bicycle storage. Seven (7) visitor spaces are shown. Other parking at the Depot is shown to include 70 spaces for 4WDs and utes; 60 for medium/heavy rigid trucks; 7 for trucks with dogs; and occasional parking will be provided for low loaders, semi-trailers, earthmoving plant, graders, excavators and rollers. There will be a small number of undercover parking spaces.

Comment: there is no specific DCP provision that directs the actual number of parking spaces required for the Depot Use. Therefore, consideration of numbers has been based on the Traffic and parking studies provided, and the information that there will be some 200 people employed on-site. It is considered that the parking proposed will be adequate and suitable for the use proposed.

Acoustic Impacts:

A noise assessment was undertaken by Reverb Acoustics and submitted with the application. It was found that the majority of noise generating activity will occur within the hours of 6am to 6pm...with occasional activities outside of these hours. During construction increased acoustic impacts will occur. Recommendations to minimise and control noise have been contained in recommendations in the Acoustic Report prepared by Reverb Acoustic. These Noise Control Recommendations are contained on page 27 of that report and relate generally to the type and location of fencing recommended. When conditioning the approval, reference should be made to this document with a requirement to address those measures when lodging relevant Construction certificates.

- (iia) **any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and**

Nil

- d) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates**

The proposed development was publically notified in accordance with Part 6, Division 5 of the Regulations, and in accordance with Council's DCP provisions.

- e) **any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),**

The subject land is not affected by any coastal zone management plan.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The site is identified as suitable for the use proposed, and the Zoning of the land reflects the future use of the land for a Council Depot and administration building.

The closest residence is some 30m south-east of the site. It is acknowledged that residents may be subjected to some visual and acoustic impacts, both during demolition, construction and operational phases of the development. It is recognised that the previous use of this site did not provide high class amenity in the neighborhood, and the site has been designated for a depot in Council's planning documents for some time.

Given the previous use of the site, and the buildings, material and facilities still on the site (STP , etc), demolition and construction need to be carefully managed to prevent unacceptable impacts from odour, dust, noise, and the composition of soils and material. Conditions will be recommended for any approval to mitigate such impacts.

The proposal gives consideration to the potential impacts on the high school to the east and the residential uses in Tyson Street by benching the carpark along that boundary to some 2m below natural ground level, fencing and screen planting. The nearest building will be the stores building *7.5m high) and the single storey administration building which will be located approximately 70m downslope from the nearest residence in Tyson Street.

Consideration needs to be given to appropriate lighting on the site,; landscaping of the site and appropriate fencing of the development..

The suitability of the site for the development

Surrounding landuse includes:

Direction	Use
West:	flood prone rural land currently used for grazing
North	vacant and flood prone – zoned residential but used for recreational pursuits
North-east	Open space (Braylesford Park) and residential
East	South Grafton High school
South-east	Residential
South	Beresford park and residential
South-west –	sewer transfer pump station

The site is designated, and considered suitable (with appropriate conditions) for the use proposed.

Consultation

Business Group/Agency	Comments
Engineering	Comments and conditions provided
Building	Comments and conditions provided
Environmental health	Comments and conditions provided
Strategic Planning	Comments and conditions provided
Roads and maritime service	No concerns raised

Any submissions made in accordance with this Act or the regulations,

The proposed development was advertised and notified in accordance with the provisions of the Act, Regulations and Council's DCP. Eight (8) submissions were received against the development. Four of these submissions were received outside of the public notification and

advertising timeframe; however, the matters raised have been noted and considered. The issues raised are discussed below.

1. Traffic Impact

- *Initial traffic study is flawed in that there are insufficient traffic surveys undertaken, and it implied a pedestrian pathway on the northern side of Tyson street*
- *need clarification of parking numbers proposed for site*
- *area around high school already congested. The new depot will increase that congestion and this has not been adequately considered*
- *Noise and safety implications for high school from vehicles accessing the depot have not been adequately considered.*

Comment: Additional information was sought in respect to the findings of the initial traffic study. Also, Council officers undertook separate traffic counts and observations of traffic movements in the area. With the conditions referred to in the above-sections of this report, it is considered that traffic accessing the proposed new Council depot can be satisfactorily and safely accommodated.

2. Business case for the Depot

- *The claims that the proposal to rationalise the three major works depots is not supported by any legitimate business argument.*
- *Impact on existing depots and staff not considered.*

Comment: This is not a planning matter. It is a matter for the governing body of Council to determine in a separate forum to the development application.

3. Impact on surrounding land uses (eg high school, lighting)

- *Lighting...all yard lighting should be fully shielded so that light spillage does not impact on surrounding land uses*
- *With the proximity to High school, it is considered that the proposed depot is an incompatible use.*

Comment: A condition will be recommended in relation to lighting of the depot site. In respect to the compatibility of the use; the land was previously used as a sewerage treatment plant, which could be considered to have a greater degree of conflict. The proposed development will see that facility removed, to be replaced by a more modern development that has been strategically identified for some years. It is considered that, with appropriate conditions flagged in this report, the use will not cause an adverse impact on the surrounding land uses (including the high school).

4. Public consultation

- *no formal community meeting was undertaken – this should have occurred when the application was lodged.*
- *The site is the wrong location for a council depot on the outskirts of town, and better community consultation should have taken place..*
- *The DA should be re-advertised, and all materials placed on public display at venues other than the Council Chambers*
- *There was insufficient publication of the DA*

Comment: Community consultation occurred in accordance with The Act and the Regulation. Public advertising occurred for longer than actually required; numerous articles were reported in local newspapers; and all documents received with the application were available for public perusal and comment. There was no nexus to readvertise the development application, or to hold a public meeting. Any additional information received in respect to the application has been made available on request.

5. Environmental

- *Claims have been made that there is asbestos on the site. [The submitter is] worried about removal of this material and impact on neighbouring uses such as the residential and high school.*
- *Concern that disturbance of the STP will cause a negative health impact on students at the school by release of toxins, dust, etc.*

Comment: Preliminary investigations have shown no asbestos on site. However, conditions have been recommended to deal with the matter should such material be found. Removal of the STP will need to occur in accordance with strict environmental and health requirements.

(e) the public interest.

It is acknowledged that there have been eight submissions against the development. However, individual submissions do not necessarily reflect the greater 'public interest'. The Council has flagged the intention to consolidate a number of operational functions onto the one site to improve efficiency and sustainability which should be a matter of public interest.

Attachments:

1. Location Plan
2. Proposal Plans
3. Copy of submissions

Schedule 1
Draft Conditions of Consent and Advice Note for DA2015/0368

DEFINITIONS

NRDC means Northern Rivers Design and Construction Manual

The current engineering standards are:

- a The Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b The Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c The Northern Rivers Local Government Handbook of Stormwater Drainage Design
- d Sewerage Code of Australia (WSA 02 - 2002)
- e Water Supply Code of Australia (WSA 03 - 2002)
- f The Pressure Sewerage Code of Australia (WSA 07-2007)

The current version of NRDC can be obtained from the Clarence Valley Council webpage.

Civil Works includes -

- a Earthworks
- b Roadworks
- c Drainage, including WSUD components
- d Structures
- e Water & Sewerage Reticulation
- f Flood Mitigation
- g Parking areas
- h Provision of Services

NATA means National Association of Testing Authorities

RMS means Roads and Maritime Services

WSUD means Water Sensitive Urban Design

Civil Construction Certificate means approval for Subdivision (Civil) Construction Certificate, and/or Section 68 Approval (Local Government Act 1993) and/or Section 138 Approval (Roads Act 1993 – Road Opening Permit).

ADVICE NOTE

1. To obtain a Certificate of Compliance for water and or sewer works, Council will require payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The current contributions are:

Sewer Headworks \$5,207.40 x 11.14 additional ET's = \$ 58,010.44

The contributions have been assessed from first principles assuming 200 employees at the depot.

The contributions have assumed that for vehicle washdown purposes the depot will utilize a recirculating system that reuses stormwater and pre-treated wastewater which does not discharge to the sewer. If this type of system is not utilized additional section 64 contributions will be payable for both water and sewer.

Where any works are required on Councils water or sewer infrastructure, as a condition of this consent, they must be completed in accordance with the conditions of consent prior to the release of the certificate of compliance.

The contributions are to be paid to Council prior to release of the Construction Certificate. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary, and if so will become the contribution payable. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

4. Operation of the Depot (including truck and vehicle movements to and from the site) must not occur outside of the hours 6am to 6pm Monday to Saturday except in times and cases of emergency.

Environmental Health Conditions

Contamination/Remediation/Validation

5. A NSW EPA accredited Site Auditor shall be engaged prior to any works commencing to review all stages of the site's contamination assessment, remediation and validation.
6. The Applicant shall submit relevant contamination investigation reports and the Remedial Action Plan (RAP) prepared by Parsons Brinckerhoff dated 7th December 2015 to the Site Auditor for review and approval prior to any remediation works commencing. All remediation and validation work is to be undertaken as per the RAP and in accordance with any amendments/recommendations from the Site Auditor.
7. A Site Audit Statement and Site Audit Report/s shall be completed by the Site Auditor and be provided to Council once completed. The Site Audit Statement shall be submitted to Council for review prior to any works commencing.
8. All requirements, conditions and recommendations of the site audit statement and site audit report/s shall form part of this consent and be implemented to the satisfaction of the Site Auditor and Council.
9. A Validation Report shall be submitted to the Site Auditor and Council for assessment upon completion of demolition and remediation works. The validation report shall be prepared in accordance with the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites.
10. A "Notice of Completion" shall be prepared in accordance with the requirements of State Environmental Planning Policy No 55 - Remediation of Land and be submitted to Council within 30 days of completion of the work.
11. All work shall be conducted in accordance with current legislative requirements, the contaminated land planning guidelines and guidelines in force under the *Contaminated Land Management Act 1997*.
12. A Health and Safety Plan is to be prepared in accordance with WorkCover Authority requirements prior to works commencing.
13. All soil remediation is to be conducted within the site boundaries.

14. If contaminated waste is to be removed from the site, a Waste Management Plan is to be prepared and submitted to Council and the Site auditor detailing how this material will be safely and legally removed from the site. A report is to be submitted to Council on completion of the remediation works detailing the quantities, type, waste transporter and where the waste material has been taken for disposal.

Acid Sulfate soils

15. An Acid Sulfate Soil Management Plan will be required to be submitted to Council if works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Testing for acid sulfate soils is required to be undertaken during any excavations as per the RAP prepared by Parsons Brinkerhoff dated 7th December 2015. If acid sulphate soils are present an acid sulphate soil management plan must be prepared and implemented.

Noise attenuation

16. The equivalent continuous A-weighted level of noise from the source, measured over a 15 minute period, shall not exceed the background noise level by more than 5dB at the most affected residential receiver who has not given written permission for an exceedance of this condition.

The noise limit set out in the previous condition applies under all meteorological conditions, except for the following:

- a. Wind speeds greater than 3 metres/second and 10 metres above ground; or
 - b. Temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c. Temperature inversion conditions greater than 3°C/100m
17. Residential receivers must be notified of forthcoming periods of noise level exceedances including expected duration and expected noise level at least 24 hours in advance unless otherwise indicated by the residents in writing.
 18. A Noise and Vibration Management Plan is required from a suitably qualified and experienced acoustical practitioner to enable and determine compliance with the limits set herein. The plan is to be provided prior to issue of the first Construction Certificate, and must include, but is not limited to:
 - a. Ongoing assessment of feasible and reasonable noise mitigation measures that will be applied at the premises to consistently achieve the noise limits prescribed;
 - b. A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise noise impacts during the construction phase;
 - c. Measures to monitor noise performance and respond to complaints;
 - d. Measures for community consultation including site contact details;
 - e. Noise monitoring and reporting procedures.

19. Traffic noise shall not exceed an $L_{Aeq(1 \text{ hour})}$ of 55 dBA (external) during the day and an $L_{Aeq(1 \text{ hour})}$ of 50 dBA during the night as measured 1 metre from the façade of the residential receiver and 1.5 metres above the floor for residences located along Tyson Street. (NSW RNP, March 2011).
20. Traffic noise shall not exceed an $L_{Aeq(15 \text{ hour})}$ of 60 dBA (external) during the day and an $L_{Aeq(9 \text{ hour})}$ of 55 dBA during the night as measured 1 metre from the façade of the residential receiver and 1.5 metres above the floor for residences located along Skinner Road. (NSW RNP, March 2011).
21. Stores Overflow/Outdoor Stores - Erect a 2100mm high acoustic barrier along the north and west edges of the areas. The barrier is to be engineered and constructed with regard to ensuring noise is effectively attenuated to comply with the previous conditions related to noise attenuation levels.
22. Material Bays/Waste Bins - Erect a 2500mm high acoustic barrier along the north, south and east edges of the areas. The barrier is to be engineered and constructed with regard to ensuring noise is effectively attenuated to comply with the previous conditions related to noise attenuation levels.
23. Tyson Street Entry - Erect an 1800mm high acoustic barrier between the works Depot building and administration building. The barrier is to be engineered and constructed with regard to ensuring noise is effectively attenuated to comply with the previous conditions related to noise attenuation levels.
24. Site Boundary - Erect an 1800mm high acoustic barrier along the south, west and east site boundary. The barrier is to be engineered and constructed with regard to ensuring noise is effectively attenuated to comply with the previous conditions related to noise attenuation levels..
25. Erect a 2000mm high temporary acoustic barrier around the perimeter of the construction site to minimise noise from construction.

Engineering Conditions

26. A Certificate of Compliance for Water and or Sewer works must be obtained from the Water Authority prior to issue of the Building Construction Certificate. This may require payment of a fee.
27. The developer must design all civil works, in accordance with NRDC, SEQ WSUD; and construct these works in accordance with the approved, dated and stamped engineering plans; and Civil Construction Certificate issued by Council or accredited private certifier. This work must be done under the supervision of a suitably qualified and experienced engineer or land surveyor approved by the Certifying Authority for civil works. The Authority will hold the Occupation Certificate or a bond in accordance with their fees and charges against the works until such time as they are satisfied to take over the system.
28. The supervising engineer / surveyor must arrange for the hold point inspection, and accompany Certifying Authority for civil works. The applicant must give the Authority

one (1) business day's notice to permit hold point inspections of the following components of the construction process:

- a Roadworks
 - i stripping with erosion controls in place
 - ii subgrade
 - iii subbase
 - iv completion of pavement ready for sealing
 - v final including stormwater
- b Stormwater
 - i Prior to backfilling of trenches
 - ii In accordance with the submitted and Council approved stormwater drainage construction, inspection, testing, establishment and staging management plan for WSUD components
- c Sewer
 - i Prior to commencement of work
 - ii Prior to backfilling of trenches
 - iii Pressure testing
- d Footpath and Kerb and Gutter
 - i stripping with erosion controls in place
 - ii Prior to concrete pour;

plus any other part of the works specific to the development that the Certifying Authority for civil works may request. Note: the water Authority must be the Certifying Authority for water supply and sewer works.

- 29. Prior to the release of the Occupation Certificate, certification is to be provided by the supervising engineer to Certifying Authority for civil works, stating that civil engineering works for the development have been constructed in accordance with the approved plans and NRDC.
- 30. A risk assessment is required for infrastructure that will become a Council asset which is within the zone of influence of any service utility. The risk assessment will need to include the construction and continuing maintenance of that asset.

The risk assessment must be undertaken by a suitably qualified person; submitted to, and approved by Council prior to issue of the Construction Certificate for those stages where the service utility is affected.

The owner of the service utility must sign off on the risk assessment.

- 31. Where occupation of the road reserve is proposed, a Traffic Control Plan must be prepared and submitted to the local roads Authority showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RMS to prepare Traffic Control Plans and must be approved by the local roads Authority prior to the occupation of the road reserve.

32. A Construction Management Plan must be submitted to and approved by the principal certifying authority prior to the issue of the Civil and Building Construction Certificates. The plan must document the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.
33. A Traffic Management Plan must be submitted with the Construction Management Plan for approval by the Principal Certifying Authority. The Plan must show the proposals for reducing any impact of the construction site on the adjacent traffic network. This plan will include traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks; tradesmen work vehicles and the like.

The Traffic Management Plan may include Traffic Control Plans detailing proposed methods to ensure safe vehicle access into and out of the general traffic stream, pedestrian control and safe transfer of materials from road reserve to construction site. The Traffic Management Plan should be and any associated Traffic Control Plans must be, prepared by a person authorised by the RMS to prepare Traffic Control Plans. Any Traffic Control Plan must be approved by the local roads Authority.

An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Traffic Management Plan.

Should it become necessary to occupy the road reservation for any reason not included in the approved Traffic Management Plan, even short term, then a specific Traffic Control Plan for the event or events is to be provided, prepared by a person authorised by the RMS to prepare Traffic Control Plans. The submission must include the reasons that the occupation is required and any revision of the Construction Management Plan and/or Traffic Management Plan to accommodate the change in the construction methodology.

34. Where long term (exceeding 24 hours) occupation of the road reserve or Council land is proposed for areas additional to the areas approved for works under the Construction Certificate, a Construction Activity Application - Encroachment / Use of Council Land - must be approved by local roads Authority and appropriate fees paid prior to any occupation of the road reserve or Council lands.

Water Reticulation

35. A detailed Hydraulics Plan must be submitted for assessment and approval by the Principal Certifying Authority, prior to the issue of the Building Construction Certificate. This shall include an assessment of the existing water supply to ensure

sufficient flows are available for the proposed development including fire fighting flows.

Any upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges.

Sewerage Reticulation

36. Sewer mains within the development site shall be relocated to ensure no buildings are constructed over the council sewer mains.

Prior to the issue of a Civil Construction Certificate for the sewer main relocation a detailed Sewerage Reticulation Management plan must be submitted to the Water Authority for assessment and approval by that Authority.

37. The granting of an easement for sewerage purposes, over the Council's sewer mains within the development site.

The width of the easement must be;

- a Where the sewer is less than 1.5 metres depth, the easement width shall be 3.0 metres, except that for sewers which are less than 0.75 metres depth and serving only one residential lot, the easement width may be reduced to 1.5 metres,
- b Where the sewer is between 1.5 metres and 3.0 metres depth, the easement width shall be 5.0 metres,
- c Where the sewer is greater than 3.0 metres depth, the easement width shall be determined by the Water Authority following an assessment of maintenance access requirements;

Unless specific approval or direction is given by the Water Authority to an alternative easement width having regard to the particular circumstances of the development and the sewer infrastructure.

The easement shall be located centrally about a line drawn between manholes to an accuracy of 0.15 metres by a registered surveyor and supported by an engineering survey plan showing the dimensions between the sewer line and the extremity of the easement at each point where the easement dissects the boundary of any lot or any change of direction.

38. Special footing / sewer main protection works, in accordance with Clarence Valley Council's Policy for building in close proximity to sewers, will be required for buildings or any other works over or within the zone of influence of sewer mains. It is recommended that, prior to commencement of design, the matter be discussed with the Water Authority.

Roadworks

39. A BAR type intersection shall be constructed on Skinner Street at the entrance to the

development. The length and width of the pavement widening will need to accommodate the longest proposed vehicle turning into the site (25m low loader), with another vehicle passing at 80km/hr. Details shall be submitted and approved with the Civil Construction Certificate.

40. Entry and exit to the development off Skinner Street is required to be undertaken without crossing the centre line and/or traversing the shoulder pavement. Survey of the access points with manoeuvring diagrams superimposed for the most critical vehicles proposed to use the site will be required to be submitted and approved prior to release of the Civil Construction Certificate. This will show if any road or access widening is required. Any changes to the entry or exit design or road widening required to ensure these movement can be undertaken in accordance with Austroads will be required to be included in the Civil Construction Certificate.
41. The access driveway on Tyson Street must be wide enough to comply with AS2890.1 and allow all vehicles including the 25m Low Loaders (required during flood emergencies) to access the site. The road pavement at this location must be widened to ensure the 25m Low Loader can completed their manoeuvres on the pavement during flood emergencies.

Manoeuvring diagrams must be submitted and approved to demonstrate how this can be accommodated in accordance with Austroads with the Civil Construction Certificate.

In addition to the above requirements, this access must also be upgraded to a BAR type intersection in accordance with Austroads to facilitate the passing of vehicles when vehicles are waiting to enter the site. Details shall be submitted and approved with the Civil Construction Certificate.

42. Truck warning signs in accordance with W5-205 size B shall be installed, on both the northern and southern approaches on Skinner Street, in accordance with AS1742.2 to warn motorists of the entry and exit to the site. Details and locations of the signage shall be included in the Civil Construction Certificate.
43. Benkelman beam testing of the finished base course of all new roadwork's will be required, with the beam testing to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam.
44. All roadworks on Skinner Street shall have full road construction, 40mm minimum depth of compacted asphaltic concrete surface. Details must be provided to Council for approval with the Civil Construction Certificate.

The Asphaltic Concrete mix shall be designed in accordance with the estimated maximum traffic loading or the Equivalent Standard Axles specified in NRDC whichever is the greater.

45. All roadworks on Tyson Street shall have full road construction and bitumen sealing, in accordance with NRDC, comprising emulsion seal plus 2 coat seal 14 / 7 mm applied as soon as practical after emulsion to minimise disruption to traffic. All works

are subject to a 12 month maintenance period.

46. The road construction/re-construction plans must include design calculations for and any necessary upgrade of, existing stormwater drainage cross-culverts and affected services/utilities.
47. A concrete or paved footpath, 2.5 m width is to be provided parallel to the frontage of the development site along Tyson Street, in accordance with NRDC, Clarence Valley Council - Bike Plan and Pedestrian Access and Mobility Plan, AS1428 and AS2890. Disabled access requirements are to be included. Details shall be included with the Civil Construction Certificate.
48. Kerb and gutter, including associated drainage, shall be constructed on Tyson Street from the end of the kerb and gutter adjacent to South Grafton High School to Skinner Street.

Occupation Certificate

49. Prior to the release of the Occupation Certificate a completed asset register works return must be submitted to the Water Authority and local road Authority, detailing all infrastructure that has been dedicated to Council with the Development. The return is to be in the format approved by these Authorities.
50. Prior to the release of any Occupation Certificate, submission of satisfactory Work as Executed Plans for all Civil works relevant to the development/stage of the development, and certification from the supervising professional engineer or land surveyor, that the works have been constructed in accordance with the approved plans and specifications.

The Work as Executed plans shall include detailed records of the materials used, inspection and testing for the construction of WSUD components in accordance with the Council approved staging plans, NRDC and SEQ WSUD.

Lighting

51. Prior to release of the Occupation Certificate, the pedestrian pathway and development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to issue of the Construction Certificate.

Maintenance Bond

52. Prior to release of the Occupation Certificate, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$1,500 whichever is greater. All work is subject to a maintenance period of twelve (12) months from the date of Practical Completion as certified by the relevant Certifying Authority.

The maintenance period may be extended should the application for an Occupation

Certificate be delayed beyond the maintenance period. The maintenance period and bond amounts for WSUD components must be in accordance with the approved stormwater management plan.

Stormwater

53. The Stormwater Management Plan for the site, and any adjacent areas affected by the development shall be submitted for assessment and approval by Council prior to issue of the Civil Construction Certificate.

The Stormwater Management Plan is to consider and provide detail on the development and construction staging in accordance with SEQ WSUD. It must include a material list and specifications, inspection and testing plan, plant schedule, vegetation establishment program and construction staging plan for each WSUD component.

54. Works associated with the Stormwater Management shall be included in the Civil Construction Certificate, and are required to be approved by Council to obtain the Section 68 approval for Stormwater Discharge.
55. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans, NRDC, and SEQ WSUD. A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan must include a preliminary management plan for any proposed detention basin and wetland.
56. The sizing of the underdrain of the Bioretention basin must be supported with calculation in accordance with the WSUD Technical Guidelines & the Water by Design Bioretention Technical Guidelines. A construction specification and inspection and testing plan for all components of the Stormwater Quality Improvement Devices (SQIDs) must be submitted.
57. An amended DRAINS Model must be submitted to Council for assessment and approval of the sizing of the detention basin according to NRDC requirements and specification. Please note Storm duration longer than 6 hours are unlikely to be critical. Storm events of 1, 5, 20 & 50 ARI and storm duration of 1.5h, 2h & 3h as per NRDC must be included.

A fully detailed design of the internal and external stormwater system must be submitted for assessment and approval to satisfy the requirements of NRDC. The system must also provide details and supporting calculation of the proposed spillway discharging directly into the table drain

58. A risk assessment is required to investigate any potential risk as a result of the Detention/Bioretention Basin spilling into Skinner St and into the downstream catchment area. The risk assessment will need to include the construction and continuing maintenance of that asset.

The risk assessment must be undertaken by a suitably qualified person; submitted

to, and approved by Council prior to issue of the Civil Construction Certificate.

Carparks & Driveways

59. Car parks and vehicular accesses for the must be provided in accordance with the requirements of the RMS, AS2890, the relevant parts of the applicable Council Development Control Plans and NRDC.
60. Prior to the issue of the Occupation Certificate, any existing vehicular crossings rendered unnecessary by this development are to be removed, and the kerb restored to upright kerb where the adjacent kerb is upright.

This must be included in the Civil Construction Certificate.

61. Prior to the issue of a Building Construction Certificate, the adequacy of parking, car parks and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the development including the overnight parking areas will function as intended. The parking area plans are to be submitted and approved by the Certifying Authority.
62. Grades and paths of travel for persons with disabilities are to be provided from car parking bays through to the main entrance of the building. Access provisions are to be in accordance with AS1428.1 and the Building Code of Australia.

Earthworks

63. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Building Construction Certificate.

The Earthworks Management Plan is to be prepared in accordance with Council's guidelines. The guidelines are listed in the Advices section of this Notice.

64. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.

Prior to the release of the Building Construction Certificate, an earthworks management plan shall be submitted to the certifying authority for approval. The plan shall consider and detail any required works, to the satisfaction of Council, including but not limited to :

- a Any unsuitable material proposed to be removed from the site must be classified to determine if it meets one of the EPA's General Waste Exemptions (as per clause 51 of the POEO (Waste) Regulation 2005) or if it is not an exemption it must be classed as per the EPA's Waste Classification Guidelines. It can then be determined if this material can be

- reused or if this material must be disposed of at an approved waste facility.
- b Identification and treatment of acid sulphate soils
- c Approval of the source and type of fill material demonstrating that it meets one of the EPA's Waste exemptions.
- d Placement, compaction and testing of fill material

Prior to release of the Occupation Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification of the completed works.

65. Prior to release of the Occupation Certificate, certification from the Geotechnical Inspection And Testing Authority who undertook Level 1 inspection and testing, in accordance with AS3798, will be required confirming that the filled area is suitable for the intended purpose. All testing as required in AS3798 and NRDC must be submitted.
66. A Works-As-Executed plan, showing both original levels and finished surface levels after filling material has been placed on the site and compacted, is to be submitted to and approved by the certifying authority prior to the issue of the Occupation Certificate for any area involving earthworks.
67. Any excavation resulting in disturbance of more than one tonne of soil at a depth of greater than 2m below natural ground surface, or work that is likely to lower the watertable beyond 2m below natural surface shall comply with Council's Acid Sulfate Soil management provisions.
68. Where earthworks are proposed for the site, professional details of the Geotechnical Inspection and Testing Authority involved in the project are to be submitted to Council or accredited private certifier for approval. Details of the Geotechnical Engineer involved in the design must be submitted prior to the issue of the Building Construction Certificate whilst details of the Geotechnical Inspection And Testing Authority involved in the construction must be submitted prior to the commencement of works but preferably prior to the issue of the Construction Certificate. The details are to include NATA accreditation, qualifications and accreditations of the principal geotechnical professionals who will be certifying the design and construction, insurances held and any other relevant material.

Erosion and Sediment Control

69. A detailed Erosion and Sediment Control Management Plan for each stage of the development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of the relevant Construction Certificate. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure, affected by any earthworks operations. All such remedial works are to be completed to the satisfaction of Council. This shall include WSUD components of the proposed drainage system.

70. The applicant must ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become untrafficable for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
71. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

Building Conditions

Demolition

72. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Heritage (formerly the Environment Protection Authority), including:
 - a Work Health and Safety Act 2011 and associated regulations
 - b WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - c Australian Standard 2601 (2001) - Demolition of Structures
 - d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

A copy of Council's Asbestos Policy is available on Council's web site at www.clarence.nsw.gov.au or a copy can be obtained from Council's Customer Service Centres.

73. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures. The Work Plan must include the following information (as applicable):
 - a The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor
 - b Details of hazardous materials, including asbestos
 - c Method/s of demolition and removal of asbestos
 - d Measures and processes to be implemented to ensure the health & safety of workers and community
 - e Measures to be implemented to minimise any airborne asbestos and dust
 - f Methods and location of disposal of any asbestos or other hazardous materials
 - g Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
 - h Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days before commencing any demolition works involving asbestos

products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

74. Only a WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
75. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
76. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
77. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied

General

78. A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
 - a Preserve and protect the building from damage; and
 - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other

public place. A building includes a fence).

79. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
80. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
81. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:
 - a plumbing work prior to covering/lining walls
 - b sewer drainage work prior to back filling/lining
 - c final inspection of plumbing and drainage work.
82. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
83. Details of where all waste materials will be stored on site during construction must be provided prior to issue of the construction certificate.

Details of where waste and recycling bins will be stored and collected for the Administration building and Stores building must be provided prior to issue of the construction certificate.

84. Working hours on the construction project being limited to the following:

7.00 am to 6.00 pm 6 days per week No work permitted on Sundays and public holidays

The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

85. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
86. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
87. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone

- number at which that person may be contacted outside of working hours, and
- c Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign is to be removed when the work has been completed.

88. Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

89. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:

- a A hoarding or fence must be erected between the work site and the public place.
- b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d Any such hoarding, fence or awning is to be removed when the work has been completed.

90. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a A standard flushing toilet, connected to a public sewer, or
- b An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Trade Waste Conditions

91. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to release of the Construction Certificate.
92. All liquid trade waste from the washbay and mechanical workshop shall pass through collection wells. A non emulsifying pump with suction inlet at least 300mm above the bottom of the collection well shall be used to pump the waste to an approved oil separator with an oil collection container and sludge withdrawal system. The oil separator shall be sized according to the influent flow rate. The pre treatment plant shall be within a bunded area that shall drain back to the collection well.
93. All chemical, oil storage containers and emulsion shall be stored within roofed and bunded areas with either the bund having the capacity to retain 110% of the

volume of the largest container or other acceptable means of containment.

94. The workshop and washbay shall be roofed and bunded to prevent the ingress of stormwater into the sewerage system and the discharge of pollutants to the environment
95. The washbay roof shall overhang the perimeter of the bunded area by no less than 10⁰ from the vertical on all open sides to minimise rainwater blow in.

Landscaping

96. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.

The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.