

DATE OF DETERMINATION	Wednesday, 18 October 2017
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, Ned Wales and Stephen Phillips
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Civic and Cultural Centre, Tumbulgum Rd, Murwillumbah on 18 October 2017, opened at 1:30 pm and closed at 2pm.

MATTER DETERMINED

2017NTH015 – Tweed Shire – DA17/0377 AT 85 Tweed Coast Road, Pottsville (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

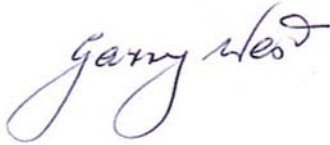




The reasons for the decision of the Panel were:

- Conditions were agreed with the Department of Education’s representative.
- Whilst the subject site is mapped as flood liable land, the site levels range from RL 3.4 to 5.6 metres AHD, with approximately half of the subject site, including the works and the access points outside the PMF level. Accordingly, evacuation is of no concern.
- Assessment under the KPoM indicated that no Preferred Koala Food trees or Preferred Koala Habitat is to be removed and no APZ requirements are expected to encroach into the existing Preferred Koala habitat.
- Whilst the soil contamination testing did not comply with the minimum sampling requirements for SEPP 55 – Remediation of Land, council was advised that the site is suitable for the intended use as an educational establishment. As there has been no change to the school use and activities, additional contamination concerns are not raised.
- No intensification of development or use is proposed therefore no new traffic generating issues are considered to impact the local road network.
- The proposed changes to the drop off/pickup areas have been reviewed by Council’s traffic engineer who is in support.
- Council and the Department of Education’s representatives satisfactorily resolved flora and fauna management measures to provide for the Bush Stone-curlew habitat.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following minor amendments:

- Condition 1 amended to refer to the latest Bush Stone-curlew Compensatory Habitat Area Plan;
- Addition of an Advisory note to Condition 10 advising that any off-site traffic impacts that may arise as a result of the changes to the drop off/pick up arrangements be considered by the Local Traffic Committee;
- Clarifying the point of discharge for piped stormwater in condition 20;
- Minor amendment to condition 26 concerning compliance;
- Minor amendment in condition 31 concerning erosion and sedimentation controls where necessary.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	 Ned Wales
 Stephen Phillips	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH015 – Tweed Shire – DA17/0377
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing Pottsville Beach Public School
3	STREET ADDRESS	85 Tweed Coast Road, Pottsville
4	APPLICANT OWNER	Conrad Gargett NSW Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 44 – Koala Habitat Protection: Clause 7(1), Clause 8(1) and Clause 9(1) • State Environmental Planning Policy No 55 – Remediation of Land: Clause 7 • State Environmental Planning Policy No 71 – Coastal Protection: Clause 7(b) • State Environmental Planning Policy (Infrastructure) 2007: Clause 32(2) and Clause 104 • Draft Environmental Planning Policy (Educational Establishments and Childcare) 2017 • Draft Environmental Planning Policy (Coastal Management) 2016 • Tweed Local Environmental Plan 2014: Clauses 2.3 (2), 5.5 (2), 5.5(3), 7.1 (3), 7.2 (3), 7.3 (3), 7.6 (3) and 7.10

		<ul style="list-style-type: none"> • Tweed Development Control Plan Section A2 – Site Access & Parking Code • Tweed Development Control Plan Section A3 – Development of Flood Liable Land • Tweed Development Control Plan Section A11 – Public Notification of Development Proposals • Tweed Development Control Plan Section A15 – Waste Minimisation & Management • Tweed Development Control Plan Section B21 – Pottsville Based Development Code • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 4 October 2017 • Written submissions during public exhibition: none • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – NIL ○ Object – NIL ○ On behalf of the applicant – Johannes Johns, Rhianna Allison.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and final briefing meeting to discuss council’s recommendation, 18 October 2017, 12:00 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members:</u> Garry West (Chair), Pamela Westing, Stephen Gow, Ned Wales and Stephen Phillips ○ <u>Council assessment staff:</u> Lydia Charman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached as schedule 2

SCHEDULE 2 – Conditions approved by Panel

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans listed in the below table, prepared by Conrad Gargett, as amended, except where varied by the conditions of this consent.

Plan number	Title	Revision	Date
SK000	Cover sheet	A	24/05/2017
SK001	Demolition Plan	E	07/09/2017
SK002	Proposed Site Plan	D	24/05/2017

SK003	Ground Floor Plan	D	24/05/2017
SK004	Level 1 Plan	D	24/05/2017
SK005	Roof Plan	D	24/05/2017
SK006	Elevations - 1	C	07/09/2017
SK007	Elevations - 2	B	24/05/2017
SK008	Sections	B	24/05/2017
K014	Tree Retention, Removal and Demolition	B	24/05/2017
-	Bush Stone-curlew Compensatory Habitat Area Plan	Tweed Shire Council	18/10/2017

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

5. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.

[GEN0265]

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

[GEN0300]

7. Stormwater Management shall be in general accordance with the Stormwater Management Plan prepared by Barker Ryan Stewart dated 12 May 2017 and amended Plans dated 19/9/2017, except where varied by the conditions of this consent.

[GENNS01]

8. To ensure the proposal does not have a significant effect on the local population of the threatened Bush Stone-curlew (*Burhinus grallarius*), a 1.2 metre high partial exclusion fence shall be installed along the eastern and northern boundary of the Bush Stone-curlew Compensatory Habitat Area as shown on *Bush Stone-curlew Compensatory Habitat Area Plan dated 26 September 2017 by Tweed Shire Council*. Details of the proposed fence shall be submitted to Council and approved by the General Manager or delegate, prior to the commencement of work.

9. Site based flora and fauna management measures detailed in *Section 5 of Flora and Fauna Assessment Report by Landmark Ecological Services Pty Ltd dated May 2017 Recommendations* (except where varied by conditions of this consent) shall be complied with during the construction and operational phase of the development.

[GENNS02]

10. The developer shall provide the following parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council's Development Control Plan Part A2 - *Site Access and Parking Code*.
- A minimum of 41 Car Parks.
 - A minimum of 63 Bicycle spaces.
 - 2 additional Bus Parks.

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 works.

Advisory note

That any change to the School's set down/pick up arrangements for parents and pupils be further considered by the Local Traffic Committee prior to implementation, in order to address traffic safety and other off-site impacts that may arise.

[PCC0065]

11. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council prior to the occupation of the building, to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Occupation of the building shall not occur until the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

12. All imported fill material shall be from an approved source.
13. Prior to commencement of works, details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and proposed haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate (or the Principle Certifying Authority (PCA)) for approval.

[PCC0465]

14. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.
15. All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with the S68 stormwater application for Council approval.

[PCC485]

16. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of **the filling on the** local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

17. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited

person and shall be submitted to the Principal Certifying Authority prior works. Safe public access shall be provided at all times.

[PCC0865]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:
- a) A Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - 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) Specific Requirements to be detailed include:
 - i. Shake down area shall be installed within the property, immediately prior to any construction vehicles entering or exiting the site prior to any earthworks being undertaken.
 - ii. Roof water does not require treatment.

[PCC1105]

19. Erosion and Sediment Control shall be provided in accordance with the following:
- a) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

20. Prior to commencement of works, applications shall be lodged together and approved by Tweed Shire Council under Section 68 of the Local Government Act for any the following works (as applicable, but not limited to);
- a. drainage works, including;
 - the connection of a private stormwater drain to a public stormwater drain,
 - the installation of stormwater quality control devices,
 - erosion and sediment control works.

The Legal Point of Discharge for piped stormwater for the development is to the west of the site.

21. Prior to the commencement of works the applicant must submit and have approved by Council an amended tree retention/removal survey plan which includes the accurate location of all 'Prescribed Vegetation' (as described under Council's Development Control Plan Section A16) which may be impacted by construction or use phases of the development such as (but not limited to); those Preferred Koala Food Trees (Trees No. 2-7) identified in *Figure 1 of Appendix F - Flora and Fauna Assessment by Landmark Ecological Services Pty Ltd dated May 2017*.
22. Prior to the commencement of works the applicant must submit and have approved by Council an arboricultural impact assessment report prepared by a suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist). The report shall be prepared in general accordance with *Australian Standard AS4970-2009 Protection of trees on development sites* and shall include (but not limited to) the following:
- a) A scaled plan with amended tree retention/removal survey plan overlaid with extent of; Tree Protection Zones; Structural Root Zones; and tree protection fencing.
 - b) Quantified Tree Hazard Assessment to assess any risks to trees to be retained.
 - c) Specific tree management and construction/use management recommendations to ensure the long term health of all relevant trees be maintained or improved.

23. Prior to the commencement of works the applicant must submit and have approved by Council a detailed plan of landscaping. The detailed plan of landscaping shall meet the following plant selection criteria within all areas except the “Bush Stone-curlew Compensatory Habitat Area” as shown in *Bush Stone-curlew Compensatory Habitat Area Plan dated 26 September 2017 by Tweed Shire Council*:
- a) A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
 - b) A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
 - c) No noxious or environmental weed species

The detailed plan of landscaping shall detail the following specifications within the Bush Stone-curlew Compensatory Habitat Area including (but not limited to):

- a) 100 % local native plants indigenous to the adjacent vegetation communities.
- b) Plantings consisting of clumps of vegetation with isolated tree canopy cover and sparse to moderate mid and ground layer cover.
- c) 100% top soil cover with sustainably sourced bark chip mulch (i.e. from on-site vegetation removal works) to minimise on-going maintenance.
- d) Inclusion of at least one (1) *Eucalyptus robusta* (Swamp Mahogany) of minimum super tube size.
- e) Compliance with NSW RFS general terms of approval dated 8th September 2017 and Planning for Bushfire Protection 2006 requirements.
- f) Location and specifications for Bush Stone-curlew fencing as generally shown in *Bush Stone-curlew Compensatory Habitat Area Plan dated 26 October 2017 by Tweed Shire Council*.

[PCCNS01]

24. Prior to the commencement of works the applicant shall provide a report and certification from a suitably qualified hydraulic engineer on the current operational condition of the private sewage pump station and associated sanitary drainage line and any associated attenuation storage vessel to the satisfaction of Council's General Manager or delegate. The report should address but not be limited to the following matters;
- a) General design specifications such as capacity of the pump well and pump specifications.
 - b) The operational condition of the pump station, pump well and sanitary drainage line confirming that such line is in good working order free of breakages and defects.
 - c) The maximum flow rate of sewage discharge from the private sewage ejection pump station into the Council sewer gravity main.
 - d) The pump-well is sized to provide adequate storage between the alarm level and the overflow level wherever that may be in the internal system so as to give adequate time for repair before an overflow occurs. This can include the capacity of the pipe network draining to the pump station up to the overflow level.
 - e) The sewage management system shall have a minimum attenuation storage capacity equal to six (6) hours of the average peak flow measured over an eight-hour period per day however, the basis of design shall be related to the intensity and duration of the design event and a realistic storage volume to account for the difference between peak flow rate and maximum permitted flow rate.
 - f) The maximum flow rate of sewage discharge from the sewage management system into the Council sewer rising main shall not exceed five (5) Litres per second.

- g) The grinder pump in pump-well of the sewage management system is fitted with float and/or electrode control switch sensors to ensure volumes of sewage are pumped at regular intervals.
- h) The pressure sanitary drainage line connecting the private sewage ejection pump station is fitted with a device to prevent backflow.
- i) The pump-well of the sewage management system is fitted with an alarm system to indicate an electrical or pump failure. The alarm system shall comprise a visible alarm. The alarm shall be readily visible at all times.
- j) All metal fittings and components within the pump-well of the sewage management system are of non-corroding material and have a service life of at least fifteen (15) years. All mechanical and electrical parts have a minimum service life of 5 years (5) and a minimum warranty period of twelve (12) months.

[PCCNS01]

25. Information shall be provided to the Water Authority regarding the existing sewerage pumping station on site including a copy of the pump curve showing the design pump duty and flow.

26. The geometric layout of the internal parking and circulation access must comply with *AS/NZ 2890.1 2004 - Parking Facilities Part 1 - Off-Street Car Parking*, unless accepted otherwise by Council.

[PCCSN01]

PRIOR TO COMMENCEMENT OF WORK

27. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

28. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

29. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

- a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- c) WorkCover Regulations 2000

[PCW0025]

30. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million.

31. Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where necessary. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

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

provided.

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

[PCW0985]

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

[PCW1065]

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

[PCW1085]

34. A suitably qualified ecologist who holds a fauna survey licence shall inspect the site no more than 24 hours prior to commencement of works for fauna to determine whether:

- a) Native fauna are occupying the site through survey evidence or direct observation of animals
- b) It is necessary to employ any site specific fauna management measures that are additional to those measures prescribed in *Section 5 of Flora and Fauna Assessment Report by Landmark Ecological Services Pty Ltd dated May 2017* to avoid adverse impact on the health and wellbeing of native fauna

35. Tree protection fencing shall be installed prior to commencement of works in accordance with approved arboricultural report.

36. A suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) shall be appointed prior to commencement of work. The Project Arborist is to be responsible for overseeing all vegetation management works detailed in arboricultural report and completing certification of tree management in accordance with approved arboricultural report and *Australian Standard AS4970-2009 Protection of trees on development sites*.

[PCWNS01]

DURING CONSTRUCTION

37. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, drawings and specifications.

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

39. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the

nearest affected residence.

[DUR0215]

40. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia

41. [DUR0375]

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

[DUR0395]

43. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

44. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

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

[DUR0645]

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

[DUR0815]

46. Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

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

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

47.

48. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the occupation of any building.

49. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

50. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.
- [DUR1075]
51. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.
- [DUR1725]
52. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR1795]
53. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
54. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
55. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.
- [DUR2185]
56. During construction appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
- [DUR2205]
57. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate and Department of Primary Industries - Water.
- [DUR2425]
58. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
59. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

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

[DUR2535]

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

[DUR2545]

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

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

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

[DUR2555]

63. Any drainage lines (including house drainage lines) affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

64. Bush Stone-curlew and Koala management measures prescribed within *Section 5 of Flora and Fauna Assessment Report by Landmark Ecological Services Pty Ltd dated May 2017* shall be complied with during the construction phase.

65. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife on-site during and preceding vegetation removal and demolition/removal of demountable buildings. It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions.

66. All vegetation management measures specified in the approved arboricultural report shall be complied with during the construction phase. Tree protection fencing may be temporarily removed during establishment of asset protection zones and landscape works.

67. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact, appropriate Plans of Management for those species/habitats must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing will take place until the Plan(s) of Management is/are approved.

68. All landscaping shall be carried out in accordance with the landscaping plans as required under this consent and as signed off by the General Manager or his delegate.

69. The importation of waste (including fill or soil) to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environmental Protection Authority "Waste Classification Guidelines". The only fill material that may be received at the development is virgin excavated natural material or waste-derived fill material the subject of a resource recovery exemption. Any virgin excavated natural material or waste-derived fill material the subject of a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

[DURNS01]

USE

70. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
[USE0125]
71. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
[USE0165]
72. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.
[USE0175]
73. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
[USE0225]
74. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.
[USE0245]
75. Prior to the use of any building approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.
[USENS01]
76. Domestic dogs (with exceptions for guide dogs and other managed animals that are part of educational programs, such as "story dogs") and cats shall not be kept on the subject site for the life of the development.
77. Prior to use of any building approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.
[USENS01]
78. Prior to the use of any building, all conditions of consent are to be met.
[USENS02]
79. An arboricultural certification report prepared by the Project Arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the use of any building demonstrating compliance with:
- a) Vegetation management measures specified within the report;
 - b) *Australian Standard AS4970 - 2009 Protection of trees on development sites*; and
 - c) Any other tree management measure to protect retained vegetation as directed by Council's General Manager or delegate or Project Arborist during the construction period.
80. All landscaping (including construction of Bush Stone-curlew compensatory area and fencing) must be

completed in accordance with the approved landscaping plans prior to the use of any building.

81. Prior to the use of any building, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.
82. Prior to the use of any building, a surface radiation survey shall be completed by a suitably qualified person to the satisfaction of the PCA. All surface radiation levels shall be below the adopted remedial action level of 0.7uGy/hr (playgrounds). Should the remedial action level be exceeded, a Remediation Action Plan (RAP) shall be submitted for approval prior to commencement of these works. Works shall be carried out in accordance with the approved RAP. A copy of the final radiation survey shall be provided to the Building Certifier and Council's Environmental Health Officer upon request.

[USENS05]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. At the commencement of building works and in perpetuity the following areas shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - ☐ north of the proposed building to the property boundary;
 - ☐ east to the property boundary;
 - ☐ south of the existing and proposed buildings to the property boundary;
 - west of Building C for 15 metres; and
 - ☐ to the west of the existing buildings where the demountable classrooms are to be removed.
2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
3. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the development.
4. Construction of the new building containing a staff room, administration area and classrooms shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
5. New construction to Building A shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
6. New construction to Building C shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
8. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

