

Attachment 1 to addendum memo dated 14/12/2021 (DA21/0312)

Recommended Conditions for DA21/0312 alterations and additions to an existing educational establishment, including demolition and tree removal (NRPP) at Lot 1 DP 517503; Kirkwood Road TWEED HEADS SOUTH; Lot 2 DP 517503; Minjungbal Drive TWEED HEADS SOUTH; Lot 219 DP 755740; No. 4-10 Heffron Street TWEED HEADS SOUTH; Lot 1 DP 781510; Oxley Street TWEED HEADS SOUTH

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by DFP Planning Consultants, dated May 2021 the plans listed in the below table,

Plan title	Drawing No.	Issue	Dated	Drawn by
Site Plan - Roof - Existing and Demolition (North)	DA-1-X-0111	4	14/04/2021	SJB Architects
Site Plan - Roof - Proposed (North)	DA-1-X-0112	9	02/11/2021	Cottee Parker Architects Pty Ltd
Site Plan - Roof - Existing and Demolition (South)	DA-1-X-0113	3	14/04/2021	SJB Architects
Site Plan - Vet Stage (Proposed South)	DA-1-X-0114	7	02/11/2021	Cottee Parker Architects Pty Ltd
Building 1 Ground Floor Plan	DA-1-1-0201	8	02/11/2021	Cottee Parker Architects Pty Ltd
Building 1 Roof Plan	DA-1-1-0202	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 1 Elevations	DA-1-1-0501	8	13/10/2021	Cottee Parker Architects Pty Ltd
Building 1 Sections	DA-1-1-0601	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 2 and Building G Ground Floor Plan	DA-1-2-0201	8	02/11/2021	Cottee Parker Architects Pty Ltd

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Building 2 and Building G Roof Plan	DA-1-2-0202	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 2 Elevations	DA-1-2-0501	8	13/10/2021	Cottee Parker Architects Pty Ltd
Building 2 Sections	DA-1-2-0601	9	02/11/2021	Cottee Parker Architects Pty Ltd
Building 3 Ground Floor Plan	DA-1-3-0201	8	02/11/2021	Cottee Parker Architects Pty Ltd
Building 3 Roof Plan	DA-1-3-0202	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 3 Elevations	DA-1-3-0501	8	13/10/2021	Cottee Parker Architects Pty Ltd
Building 3 Sections	DA-1-3-0601	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 4 and Agricultural Buildings Ground Floor Plan	DA-1-4-0201	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 4 and Agricultural Buildings Roof Plan	DA-1-4-0202	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 4 and Agricultural Buildings Elevations	DA-1-4-0501	7	13/10/2021	Cottee Parker Architects Pty Ltd
Building 4 and Agricultural Buildings Sections	DA-1-4-0601	7	13/10/2021	Cottee Parker Architects Pty Ltd
External Finishes	DA-1-1-4001	4	13/10/2021	Cottee Parker Architects Pty Ltd

except where varied by the conditions of this consent.

[GEN0005]

2. The development shall be completed in accordance with recommendations of the Aboriginal Cultural Heritage Assessment, Tweed Schools Redevelopment, prepared by Indigeco and dated June 2021.

[GEN0005]

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3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. 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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.
[GEN0135]
5. Consultation with Council shall be undertaken in relation to those matters typically covered through a section 68 process to ensure the relevant information is lodged, assessed and inspected by Council. The Assessment phase shall be undertaken within 40 business days of lodgement in accordance with the requirements of the Local Government Act 1993.
[GEN0155]
6. The proposed buildings are to be 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. Vegetation removal shall be limited to those trees and vegetation identified in Section 04.2 of the Arboricultural Impact Assessment (AIA) - Tweed River High School dated April 2021 prepared by Treescience. The removal of vegetation shall not commence until a Crown Certificate has been issued by the Principal Certifier. All other vegetation identified to be retained in the referenced AIA shall be afforded adequate protection and retained for the life of the development unless otherwise approved for removal by the relevant regulating authority.
[GENNS01]
8. The development shall be carried out in accordance with the following:
 - a. Koala Offset Management Plan- Tweed River High School, Version 1.0 dated 10 September 2021 prepared by Kleinfelder.
 - b. Bush Stone-curlew Management Plan - Tweed River High School, Version 2.0 dated 31 August 2021 prepared by Kleinfelder.
 - c. Biodiversity Development Assessment Report - Tweed River High School, Version 2, dated 09 April 2021 prepared by Kleinfelder.
[GENNS01]
9. The applicant must consult with Tweed Shire Council in relation to any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works), prior to the commencement of any building works on the site.
[GENNS01]
10. Within six months of the commencement of use/occupation of the buildings subject to this consent, or other timeframe as agreed with the General Manager or his delegate, the applicant must create and register a Positive Covenant and Restrictions As To User as applicable under Section 88B and Section 88BA of the *Conveyancing Act 1919* on the following terms:
 - a. Positive Covenant over the area described as Koala Offset Area in the Koala Offset

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Management Plan- Tweed River High School, Version 1.0 dated 10 September 2021 prepared by Kleinfelder. This area must be subject to an ecological restoration program as agreed with Council and managed for conservation purposes in perpetuity.

Burden: Part Lot 2 DP517503

Benefit: Tweed Shire Council

- b. Restriction as to user regarding the Koala Offset Area in the Koala Offset Management Plan- Tweed River High School, Version 1.0 dated 10 September 2021 prepared by Kleinfelder. The following activities are not permitted within this area.

- i. Clearing, lopping or removal of any native plants, whether existing at the date of this consent or planted pursuant to conditions of this consent;
- ii. Erection of any fixtures or improvements, including buildings or structures;
- iii. Construction or maintenance of access roads and any services unless otherwise required by conditions of the subject development or established prior to issue of this consent;
- iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
- v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Koala Offset Area; and
- vi. Performance of any other acts which may have detrimental impact on the values of the Koala Offset Area. The area must be managed in accordance with the approved Koala Offset Management Plan.

Burden: Part Lot 2 DP517503

Benefit: Tweed Shire Council

Any Section 88B Instrument creating Restrictions as to user, Right Of Carriageway or Easements or Rights Of Carriageway to be revoked, varied or modified only with the consent of Council.

[GENNS01]

11. All works shall be completed in accordance with the Unexpected Finds Protocol as detailed in Section 12.1 of the Detailed Site Investigation for Tweed River High School, 12-16 Heffron Street, Tweed Heads prepared by Douglas Partners Pty Ltd dated 5 October 2021 (Project 97611.00, Revision 4, Document No: R.006.Rev3) and Pre-Demolition Testing Report prepared by ENV Solutions (dated 16 September 2021) or to the satisfaction of Principal Certifier. Should these materials be discovered, all site works in the vicinity of the discovered material must cease until the required investigations have been completed and any permits or approvals obtained where required to the satisfaction of the Principal Certifier.

[GENNS02]

12. The Liquefied Petroleum Gas (LPG) bulk storage tanks shall be installed and managed in accordance with AS1596:2014 - The storage and handling of LP Gas and the requirements of SafeWork NSW.

[GENNS02]

13. For structures to be demolished or subject to alteration, a destructive/intrusive hazardous building material (HBM) investigation and hazardous materials management risk assessment and management plan carried out by a suitably qualified and accredited person shall be completed and submitted to the Principal Certifier in accordance with *Work Health and Safety*

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Act 2011, Work Health and Safety Regulation 2017, relevant Australian Standards and Codes of Practice.

The targeted inspection, sampling and analysis for HBM should be considered prior to any work that may result in the disturbance of such HBM and include the development of a Safe Work Method Statement that outlines the controls necessary to ensure that the risks of exposure and environmental contamination are adequately controlled.

The investigation shall consider the recommendations of the *Hazardous Building Material (HBM) Survey* for Tweed River High School, 4 Heffron Street, Tweed Heads prepared by Douglas Partners Pty Ltd dated 24 January 2020 (Project 86969.00; Document No. R.001.Rev0) and *Waste Management Plan* for Tweed River High School, 12-16 Heffron Street, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd dated 16 April 2021 (Report: HMC2021.017.2). The management plan shall identify that a clearance certificate must be forwarded to the Principal Certifier and Council within seven (7) days of completion of the clearance inspection by a suitably qualified person in accordance with the *Work Health and Safety Regulation 2017* following completion of the demolition works that confirms the work area does not pose a risk to health and safety from exposure to asbestos or other hazardous material.

[GENNS02]

14. The development shall be managed in accordance with the *Hazardous Building Material (HBM) Survey* for Tweed River High School, 4 Heffron Street, Tweed Heads prepared by Douglas Partners Pty Ltd dated 24 January 2020 (Project 86969.00; Document No. R.001.Rev0), the *Waste Management Plan* for Tweed River High School, 12-16 Heffron Street, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd dated 16 April 2021 (Report: HMC2021.017.2), and the destructive/intrusive hazardous building material (HBM) investigation and hazardous materials risk assessment and management plan to the satisfaction of the Principal Certifier or NSW EPA Site Auditor.

[GENNS02]

15. Waste must be assessed and classified for disposal in accordance with the NSW Environment Protection Authority (EPA) *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (EPA, 2014).

All hazardous building material waste shall be disposed at a facility that is licensed to receive it and all receipts related to disposal must be provided to the Principal Certifier upon request.

[GENNS02]

16. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW Environment Protection Authority "Waste Classification Guidelines".

The importation of waste to the site is restricted to the following:

- Virgin excavated natural material (as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act);
- Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

The exportation of waste must be transported to a licenced waste facility or an approved site

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subject to a resource recovery order and exemption.

Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifier on request.

[GENNS02]

17. The proposed sewer diversion works shall be generally designed and constructed in accordance with the MDA Consulting Engineers - Hydraulic Services Plan - Drawing MDA-HY-TRHS-0201-RevC . Detailed design information shall be provided to council for the assessment of these sewer diversion works. A Sewer Management Plan shall be submitted to support this application in demonstrating that the existing level of sewer service is maintained during construction.

[GENNS05]

Essential Energy

18. The new transformer/substation must be installed as per Essential Energy's Contestable Works process. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au [<mailto:contestableworks@essentialenergy.com.au>](mailto:contestableworks@essentialenergy.com.au)

[GENNS05]

19. The easement must be kept clear of all vegetation (other than low lying grass) and any structures.

[GENNS05]

20. A minimum clearance of 6.0 metres must be maintained between the proposed transformer/substation and the LPG tank.

[GENNS05]

21. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.

[GENNS05]

22. Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

[GENNS05]

23. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

[GENNS05]

24. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets

25. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications for all works located within the road reserve.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to the following:

- Changes to the eastern pedestrian refuge in Heffron Street and associated signage and pavement markings;
- Changes to the existing signage along the southern side of Heffron Street for the proposed 'kiss n drop' (No Parking) zone;
- Road works;
- Stormwater drainage;
- Sediment and erosion control plans;
- Location of all services/conduits; and
- Traffic Control Plan (as applicable)

NOTE: The Section 138 Application for the proposed changes to the existing pedestrian refuges and all associated signage together with the proposed 'kiss n drop' (No Parking) zone will be referred to the Local Traffic Committee for consideration.

PRIOR TO COMMENCEMENT OF WORK

26. 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 Certifier 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]

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

[PCW0665]

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

In addition to these measures the core flute sign provided by Council 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]

29. An application to connect to Council's sewer or carry out plumbing and drainage works,

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together with any prescribed fees including inspection fees, is to be submitted to Council prior to the commencement of any building works on the site.

[PCW1065]

30. Prior to the commencement of relevant works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

31. Prior to the commencement of works in the vicinity of the agricultural area as identified in Figures 3 and 4 of the *Pre-Demolition Testing Report* for Tweed River High School, 4-10 Heffron Street, Tweed Heads South prepared by ENV Solutions Pty Ltd dated 16 September 2021, the sheep dip bath, associated material and infrastructure shall be removed and disposed of at a suitably licensed landfill in accordance with the recommendations of Env Solutions report or the NSW EPA Site Auditor.

All remedial and validation works shall be carried out in accordance with Section 6.1 Recommendations of the report, NSW EPA statutory guidelines, and Consultants Reporting on Contaminated Land - Contaminated Land Guidelines (NSW EPA, 2020).

On completion of remediation and validation works and prior to commencement of works in the vicinity of the agricultural area, a Site Remediation and Validation Report, and where required Environmental Management Plan, prepared by a suitably qualified environmental consultant in accordance with NSW Environment Protection Authority contaminated land statutory guidelines shall be submitted to the Principal Certifier confirming that the site is suitable for the proposed use. The report must be accompanied by the Northern Rivers Contaminated Land Program - Contamination Report Summary Table available at <<https://www.tweed.nsw.gov.au/ContaminatedLand>>

Note

“Infrastructure” in this condition refers to any the sheep dip bath, associated material and structures.

[PCWNS01]

32. Prior to the commencement of demolition and construction works, the Applicant must prepare an Environmental Management Plan (EMP) to the satisfaction of the Principal Certifier. The Plan shall include but is not limited to details of:
- hours of work;
 - 24-hour contact details of site manager;
 - dilapidation survey;
 - removal of hazardous materials;
 - sediment and erosion control;
 - management of dust and odour to protect the amenity of the neighbourhood;
 - acid sulfate soil and dewatering management;
 - external lighting in compliance with AS 4282-1997;
 - community consultation and complaints handling;

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- noise and vibration management;
- waste classification procedure; and
- contaminated land unexpected finds procedure.

The Applicant must submit a copy of the Plan to the Principal Certifier and Council prior to commencement of work.

[PCWNS01]

33. Prior to installation of mechanical plant and equipment, the applicant shall submit an acoustic assessment prepared by a suitably qualified acoustic consultant that confirms that the proposed mechanical plant and equipment has been designed and located to meet the requirements of the *Acoustic Report* for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx) or the satisfaction of Council's General Manager or delegate. Mechanical plant and equipment shall be acoustically treated where necessary.

[PCWNS01]

34. Prior to works commencing, a Demolition and Construction Noise and Vibration Management Plan shall be prepared by a suitably qualified acoustic consultant to the satisfaction of the Principal Certifier that:

- describes procedures for achieving the noise management levels of the Interim Construction Noise Guideline (EPA, 2009) and vibration management levels of the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006);
- describe the measures to be implemented to manage high noise generating works in close proximity to sensitive receivers;
- includes strategies that have been developed with the community for managing high noise generating works;
- include a community consultation and complaints management system that would be implemented for the duration of the construction; and
- considers the recommendations of the *Acoustic Report* for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx).

[PCWNS01]

35. Prior to the installation of outdoor lighting, evidence shall be submitted to the satisfaction of Principal Certifier to demonstrate that all outdoor lighting has been designed to comply with the relevant Australian Standards relating to obtrusive lighting.

[PCWNS01]

36. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to any works commencing.

[PCWNS01]

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37. Permanent stormwater quality treatment shall be provided for the new car par subject to this consent in accordance with the following:
- (a) Prior to commencement of works a detailed 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) The stormwater and site works may incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.
 - (d) Specific Requirements to be detailed within the Construction application include:
 - Runoff from all hardstand areas, (including access ramp, basement car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted for approval prior to commencement of works.
 - Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.
- [PCC1105]
38. Prior to the commencement of works, the applicant is to consult with Council if any of the following are required:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works
- If works are required, the required documentation must be submitted to Council accompanied by the prescribed fee.
- [PCC1145]
39. Erosion and Sediment Control shall be provided in accordance with the following:
- a) Prior to commencement of works a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - b) 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]
40. Prior to the commencement of works an Arboricultural Impact Assessment and Management Report (AIA&MR) shall be prepared for trees identified as Tree No. 352 *Eucalyptus robusta*

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(Swamp Mahogany) and Tree No. 353 *E. robusta* (Swamp Mahogany) in Arboricultural Impact Assessment (AIA) - Tweed River High School dated April 2021 prepared by Treescience. The AIA&MR shall be submitted and approved by the Principal Certifier. A copy of the approved AIA&MR shall be provided to Council. The AIA&MR shall include the following:

- a. Clear, suitably scaled plans overlaid with the civil engineering plans identifying the structural root zone and tree protection zone of those nominated trees; and
- b. A clear set of construction management recommendations generally consistent with Australian Standard AS4970:2009 Protection of trees on development sites and based on best practice arboricultural measures with the objective of minimising disturbance/damage to those nominated trees during the construction stage.

[PCWNS05]

41. A detailed plan of landscaping is to be submitted to Council prior to commencement of construction works. The detailed plan of landscaping shall be generally consistent with Landscape Plans - Tweed River High School Development Rev. 05 dated 29 April 2021 prepared by Black Beetle Landscape Architecture and Design and meet the following plant selection criteria:
 - 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); and
 - c. No environmental weed species

[PCWNS05]

42. Prior to commencement of works the applicant shall amend the temporary construction access and set-down area plan being Dwg. No. A-X-0114 Rev. 2 Stage 2 Main Works Site Plan prepared by SJB Planning to show adequate tree protection to all trees within and immediately adjacent to the temporary construction access and set-down area accessed from Oxley Street. The amended plan shall be prepared in consultation with the appointed Level 5 arborist and approved by the Principal Certifier. A copy of the approved plan shall be provided to Council.

[PCWNS05]

43. All pre-construction vegetation and fauna management measures shall be satisfactorily completed prior to commencement of construction works in accordance with the following reports:
 - a. Arboricultural Impact Assessment (AIA) - Tweed River High School dated April 2021 prepared by Treescience;
 - b. Bush Stone-curlew Management Plan - Tweed River High School, Version 2.0 dated 31 August 2021 prepared by Kleinfelder;
 - c. Arboricultural Impact Assessment and Management Report in accordance with this consent; and
 - d. Biodiversity Development Assessment Report - Tweed River High School dated 09 April 2021 prepared by Kleinfelder - Section 5.2.3.

[PCWNS05]

44. A suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) must be appointed prior to the commencement of construction works. The Project Arborist is to be responsible for supervising all tree management works and completing certification of tree

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management requirements.

[PCWNS05]

DURING CONSTRUCTION

45. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, drawings and specifications.
46. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment. No works or development in the vicinity of any identified object may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974. The exclusion area to be identified in consultation with TBLALC
47. Construction work (including demolition works), including the switching on and operation of plant, machinery and 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.
48. All pumps used for dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of the Principal Certifier so as to prevent the emission of offensive noise as a result of their operation.
49. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of the Principal Certifier to neutralise any offensive odours.
50. The point of discharge for offsite dewatering shall be approved by Council's General Manager or delegate prior to installation and shall include a water sampling outlet.
51. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Principal Certifier.
52. The development shall be carried out in accordance with the approved Demolition and Construction Noise and Vibration Management Plan prepared in accordance with *Acoustic Report* for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx) including any addendums as approved by the Principal Certifier.
53. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the *Acoustic Report* for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx), then a system of

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mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service the buildings.

[DUR0295]

54. 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 (as in force on the date the application for the relevant construction was made).

[DUR0375]

55. 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]

56. 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 2017.

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]

57. 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]

58. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to the Principal Certifier.

[DUR1015]

59. All works shall be carried out in accordance with the approved *Acid Sulfate Soil Management Plan* located in Section 13 of the *Detailed Site Investigation* for Tweed River High School, 12-16 Heffron Street, Tweed Heads prepared by Douglas Partners Pty Ltd dated 5 October 2021 (Project 97611.00, Revision 4, Document No: R.006.Rev3) or to the satisfaction of Principal Certifier.

[DUR1065]

60. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be:

- (a) roofed;
- (b) provided with a sealed floor; and
- (c) bunded so as to hold 110% of the largest container stored. Bunded area(s) shall not be flood-labile.

[DUR1635]

61. 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

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regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

62. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section 15 - Waste Minimisation and Management.

[DUR2195]

63. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Environment Protection Authority (EPA).

[DUR2215]

64. The Principal Certifier shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]

65. During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all permanent Stormwater Quality Control Devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

66. 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]

67. Plumbing

- (a) A plumbing and drainage 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]

68. 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]

69. 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]

70. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used

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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]

71. 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, relevant documentation is to be submitted to Council. Inspection of drainage works prior to covering is required.

[DUR2565]

72. Where public safety is at risk due to damage of water or sewer infrastructure associated with the works the subject of this consent, it is the responsibility of the applicant to immediately notify Council. Cost to undertake emergency works shall be borne in full by the applicant/developer. If additional works to repair or relocate water or sewer infrastructure due to the damage are required, arrangements and cost shall be borne in full by the applicant/developer.

[DURNS01]

73. All works shall be carried out in accordance with the *Groundwater Investigation and Dewatering Management Plan* for Tweed River High School prepared by Douglas Partners Pty Ltd dated 23 August 2021 (Project No. 97611.00, R.009.Rev1) or to the satisfaction of Principal Certifier.

[DURNS01]

74. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with the *Waste Management Plan* for Tweed River High School, 12-16 Heffron Street, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd dated 16 April 2021 (Report: HMC2021.017.2) or to the satisfaction of Principal Certifier. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

[DURNS01]

75. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

[DURNS01]

PRIOR TO OCCUPATION OF BUILDINGS

76. Any damage caused to public infrastructure associated with the works the subject of this consent (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications prior to the occupation of the final building.

[POC0165]

77. Prior to occupation/use of the car park the subject of this consent, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council in relation to the Stormwater Quality Control Devices.

[POC0985]

78. Prior to occupation of the final building the subject of this consent, the applicant shall obtain

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Council approval to operate the private commercial sewage ejection pump station

[POC1040]

79. Prior to the occupation of any building the subject of this consent a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

80. Prior to the occupation of any relevant building the subject of this consent, the certifier shall provide evidence to the Water Authority that no structures are constructed over the existing sewer and/ or structures over the existing sewer meet the Tweed Shire Council D15 - Work in Proximity Specification. Occupation of the relevant building the subject of this consent shall NOT occur unless the Certifying Authority has sighted written approval from the Water Authority signed by an authorised officer.

[POCNS01]

81. 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 any building the subject of this consent, to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

[POCNS01]

82. The creation of Easements for services, Rights Of Carriageway and Restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over **ALL** public services/infrastructure on private property.

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

Any Section 88B Instrument creating Restrictions as to user, Rights Of Carriageway or Easements which benefit Council shall contain a provision enabling such Restrictions, Easements or Rights Of Carriageway to be revoked, varied or modified only with the consent of Council.

[POCNS01]

83. Prior to the use of any building the subject of this consent all koala offset primary works must be completed to the satisfaction of Council's General Manager or delegate in accordance with the Koala Offset Management Plan- Tweed River High School, Version 1.0 dated 10 September 2021 prepared by Kleinfelder.

[POCNS01]

84. All approved landscaping requirements must be completed prior to the occupation of the final building the subject of this consent. Landscaping must be maintained at all times.

[POCNS01]

85. An arboricultural certification report prepared by the project arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to use of the buildings subject to this consent demonstrating compliance with the Arboricultural Impact Assessment (AIA) - Tweed River High School dated April 2021 prepared by Treescience, approved Arboricultural Impact Assessment and Management Report and any other tree management measure/s imposed to protect retained vegetation during the construction period.

[POCNS01]

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86. Prior to occupation of the final building the subject of this consent, a site management plan shall be prepared and submitted Council's General Manager or delegate which details how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. The Plan shall be prepared in accordance with the recommendations of the *Acoustic Report* for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx).

[POCNS01]

87. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of final stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to Council within two months of commencement use of the final stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Acoustic Report for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx). Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

[POCNS01]

88. Prior to occupation of the relevant building the subject of this consent, evidence shall be submitted to the satisfaction of the Principal Certifier to demonstrate that all installed lighting associated with the development minimises light spillage to any adjoining or adjacent sensitive receivers and that outdoor lighting complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting and is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

[POCNS01]

USE

89. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) by more than 5dB between 7.00am and 10.00pm, 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 10.00pm and 7.00am weekdays and 10.00pm and 8.00am weekends.

[USE0165]

90. Where practicable all air conditioning units and other mechanical plant or equipment are to be located so that any adverse noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Where complaints are received and established by Council as genuine and in exceedance of the criteria in condition 90, air conditioning units and other mechanical plant or equipment shall be acoustically treated or shielded in accordance with the recommendations of a suitably qualified acoustic consultant, such that the operation of any air conditioning unit, mechanical plant or equipment does not result in the emission of offensive or intrusive noise

[USE0175]

91. All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday

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to Saturday and 8.00am to 6.00pm Sunday and Public Holidays unless otherwise approved by Council's General Manager or delegate.

[USE0195]

92. All externally mounted artificial lighting, including security lighting, shall comply with *AS4282 - Control of the Obtrusive Effects of Outdoor Lighting* and be shielded to the satisfaction of Council's General Manager or delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

93. Prior to the commencement of operation, the Applicant must submit a Complaints Handling Management Plan to the Certifier and a copy provided to the Council for information. The Plan must include a complaints handling management system in relation to noise concerns raised by the surrounding community (including site activities, mechanical plant and equipment, amplified music and public address systems) and include processes and actions for the school to address concerns raised including the engagement of a suitably qualified acoustic consultant were required to prevent the emission of offensive or intrusive noise.

[USE0245]

94. The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays unless otherwise approved by Council's General Manager or delegate.

[USE0285]

95. All plant and equipment installed or used in or on the premises:
- (a) Must be maintained in a proper and efficient condition, and
 - (b) Must be operated in a proper and efficient manner.

[USE0315]

96. All wastes shall be collected, stored and disposed of in accordance with *Waste Management Plan* for Tweed River High School, 12-16 Heffron Street, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd dated 16 April 2021 (Report: HMC2021.017.2) or to the satisfaction of Council's General Manager or delegate.

[USE0875]

97. All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW.

[USE1035]

98. Upon receipt of a lighting complaint that Council's General Manager or delegate deems to be reasonable, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level to the satisfaction of Council's General Manager or delegate.

[USENS01]

99. The development shall be carried out in accordance with the provisions of the *Acoustic Report* for Tweed River High School - 12-16 Heffron Street, Tweed Heads South prepared by Acoustic Works dated 26 April 2021 (Reference: 2020400-4 R01D Tweed River High School ENV CNVMP.docx) and approved site management plan including any addendums as approved by Council's General Manager or delegate to prevent the generation or emission of offensive noise. Staff must monitor all activities to minimise disturbance to neighbouring residents and a site manager contact number shall be made available on a 24-hour basis to respond to complaints or emergencies.

[USENS01]

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100. The use of amplified music or any public address systems shall be strictly controlled to prevent offensive or unreasonable noise to the satisfaction of Council's General Manager or delegate.

[USENS01]