

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSTH-85
<b>DA Number</b>	10.2021.78.1
<b>LGA</b>	<b>Snowy Monaro</b>
<b>Proposed Development</b>	<b>Emergency Services Facility - Staged redevelopment of existing police station and accommodation. Demolition of existing buildings and erection of a two storey police station including carport, storage shed and new accommodation building</b>
<b>Street Address</b>	16-18 Thredbo Terrace Jindabyne  Lots 167 & 168 DP756686
<b>Applicant/Owner</b>	BGIS/Police Property Group
<b>Date of DA Lodgement</b>	28/03/2021
<b>Number of Submissions</b>	NIL
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011</b>	Under the provisions of Part 4 clause 20 (1) of State Environmental Planning Policy (State and Regional Development) 2011 the proposed "Emergency Services Facility" is considered regionally significant development in accordance with Schedule 7, 4 as it is Crown development that has a capital investment value of more than \$5 million.
<b>List of all relevant s4.15(1)(a) matters</b>	SEPP (State and Regional Development) 2011  SEPP (Infrastructure) 2007  SEPP 55 – Remediation of Land  SEPP 64 – Advertising and Signage  SEPP (Vegetation in Non-Rural Areas) 2017  Snowy River Local Environmental Plan 2013  Snowy River Development Control Plan 2013
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Draft conditions of consent</li> <li>• Statement of Environmental Effects, including appendices: <ul style="list-style-type: none"> <li>○ Appendix 1 – Survey Plan</li> <li>○ Appendix 2 – Architectural Plans</li> <li>○ Appendix 3 – CPTED Report</li> <li>○ Appendix 4 – Lighting Plan</li> <li>○ Appendix 5 – Landscaping Plans</li> <li>○ Appendix 6 – ESD Report</li> <li>○ Appendix 7 – Waste Management Plan</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Appendix 8 – Phase 1 Environmental Site Assessment</li> <li>○ Appendix 9 – Hazardous Materials Assessment</li> <li>○ Appendix 10 – Arborist Report</li> <li>○ Appendix 11 – Clause 4.6 Variation</li> <li>○ Appendix 12 – DCP Compliance Table</li> <li>○ Appendix 13 – Traffic Impact Statement</li> <li>○ Appendix 14 – CEMP</li> <li>○ Appendix 15 – Geotechnical Report</li> <li>○ Appendix 16 – Acoustic Report</li> <li>○ Appendix 17 – Civil Plans and Stormwater Management Report</li> <li>○ Appendix 18 – BCA Report</li> <li>○ Appendix 19 – Disability Access Report</li> </ul>
<b>Report prepared by</b>	Sophie Ballinger
<b>Report date</b>	20/09/2021

<b>Summary of s4.15 matters</b>  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
<b>Clause 4.6 Exceptions to development standards</b>  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
<b>Special Infrastructure Contributions</b>  Does the DA require Special Infrastructure Contributions conditions (57.24)?  <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
<b>Conditions</b>  Have draft conditions been provided to the applicant for comment?  <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

**1.0 EXECUTIVE SUMMARY**

<b>Application No:</b>	10.2021.78.1
<b>Date of lodgement:</b>	28/03/2021
<b>Development proposal:</b>	Emergency Services Facility - Staged redevelopment of existing police station and accommodation. Demolition of existing buildings and erection of a two story police station including carport, storage shed and new accommodation building.
<b>On land comprising:</b>	Lot: 167 DP: 756686, Lot: 168 DP: 756686, 16-18 Thredbo Terrace Jindabyne NSW 2627.
<b>Zoning:</b>	B2 - Local Centre.
<b>Notification/Advertising:</b>	The application was notified to adjoining owners and publicly advertised for a period of 28 days.
<b>Type of development:</b>	Local.

The development application seeks consent for the staged redevelopment of the Jindabyne Police Station. The development is proposed in the following stages to allow for the ongoing use of the existing police station throughout construction of the various components. From the plans provided the development is to be staged as follows:

- Stage 1: Demolition of residence and ancillary buildings, associated excavation works and tree removal and construction of new police station and accommodation and second driveway entrance.
- Stage 2: Demolition of existing police station associated excavation works and tree removal and construction of new vehicle storage shed.

The applicant has advised these are indicative stages only and therefore will not be reflected in the draft conditions of consent.

The application was notified and publicly advertised for a period of 28 days and no submissions were received.

The proposed development has a height of 13.1m which exceeds the maximum height limit of 9m as set by the Snowy River LEP 2013. The applicant has applied for a variation under the provisions of clause 4.6 of the plan.

The draft conditions of consent attached to this report are those approved by the applicant under the provisions of section 4.33(1)(b).

The development has been considered against the requirements of section 4.15 (a)(i) and, has achieved an acceptable level of compliance, the specific clauses applicable to the development are summarised below:

State Environmental Planning Policy (State and Regional Development) 2011 Schedule 7 clause 4	The development satisfies the provisions of the subject clause.
SEPP (Infrastructure) 2007	The development satisfies the relevant provisions of the SEPP.
SEPP 55 – Remediation of Land, clause 7 (l)(a)	The development satisfies the provisions of the subject clause and the site is considered to be suitable for the proposed purpose.
SEPP 64 – Advertising and Signage	The development satisfies the relevant provisions of the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	The development satisfies the relevant provisions of the SEPP.
Snowy River Local Environmental Plan 2013	
Clause 4.3 Height of buildings	The development does not comply with the maximum height limit of 9m. The applicant has requested a variation to the height limit under the provisions of clause 4.6 of the plan.
Clause 4.6 Exceptions to development standards	The applicant has provided justification in accordance with the provisions of the clause and the variation as proposed is supported.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The development satisfies the requirements of the clause.
Clause 7.9 Essential Services	The development satisfies the requirements of the clause.

## 2.0 SITE DESCRIPTION & SITE HISTORY



**Figure 1 – Location Plan**

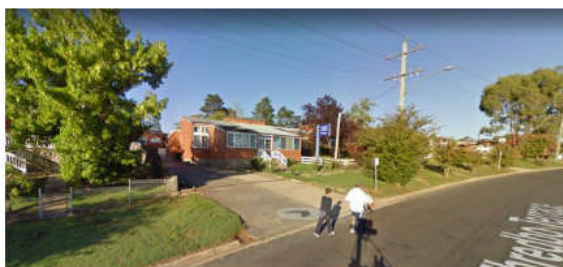
The subject site is located at 16-18 Thredbo Terrace, Jindabyne on the north-west edge of the Jindabyne town centre (Figure 1 above). The site encompasses two lots being 167 and 168, DP 756686 and has a total area of approximately 3,139m<sup>2</sup>. The site is located within the business precinct of Jindabyne with mainly commercial and community uses in immediate proximity, including a large public carpark and health centre. Immediately adjoining the site is a vacant parcel of land used for overflow car parking from a nearby hotel and one residential dwelling. To the rear of the site is a Council reserve. NSW Ambulance and NSW Fire and Rescue are located further along Thredbo Terrace.

The site currently accommodates the existing Jindabyne Police Station and a number of ancillary buildings which are constructed over the boundary of lots 167 and 168. The form of the current buildings are single storey and of older appearance.





**Photo 1:** Entry from Thredbo Tce looking south west



**Photo 2:** Thredbo Terrace site frontage looking west



**Photo 3:** Surroundings to the west of the site



**Photo 4:** North of the site across Thredbo Terrace



**Photo 5:** Surroundings to the east of the site

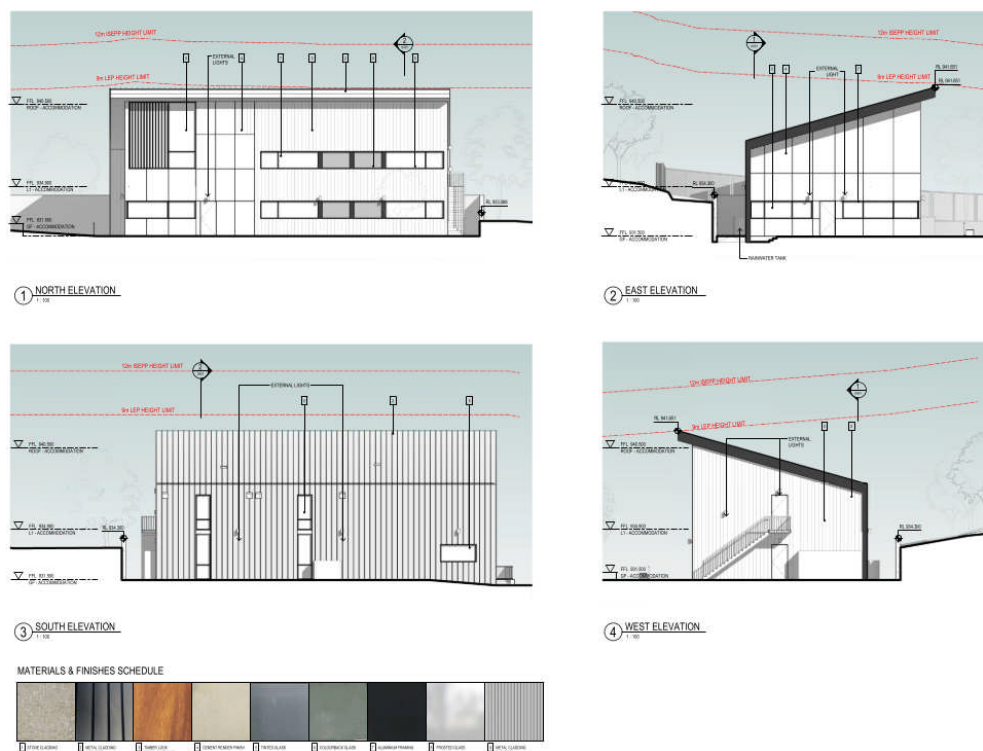
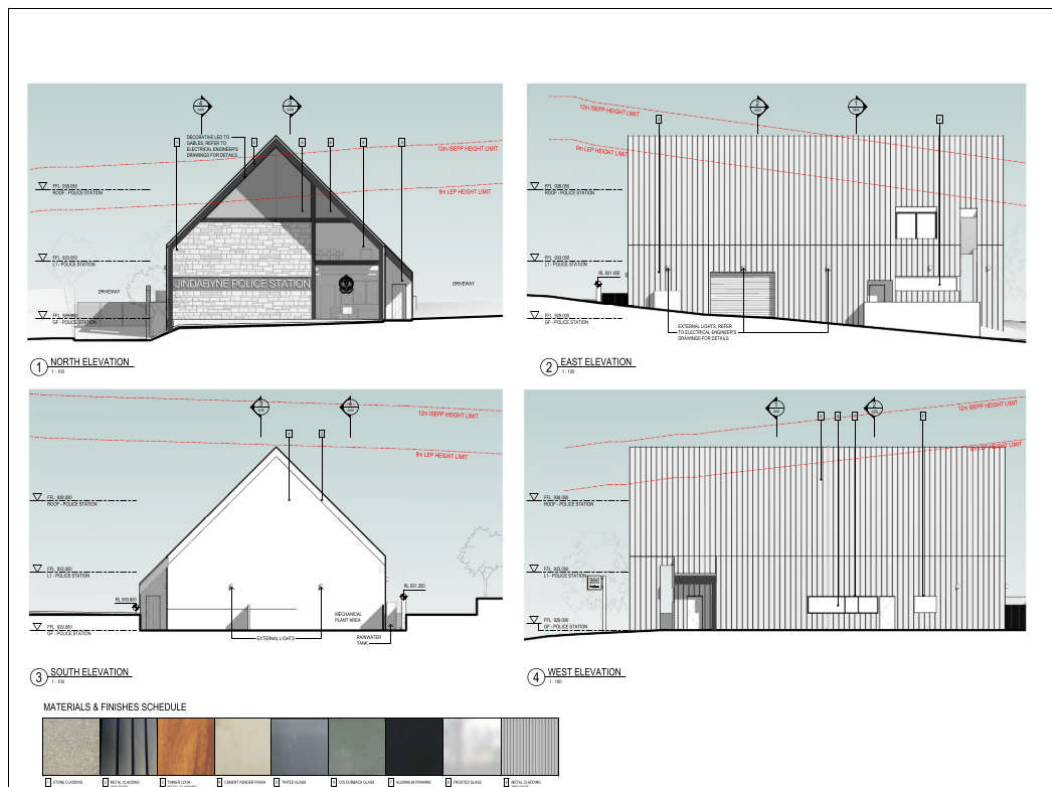
**Figure 2 – Site photographs (taken from SEE)**

### **3.0 PROPOSED DEVELOPMENT IN DETAIL**

The development application seeks approval for the following:

- Demolition of the existing police station building, residences and associated structures, and removal of associated hardscape and landscape areas, including removal of fourteen (14) trees across the site (and retention of 3 existing trees on site).
- Excavation to establish a building platform for the new police station, accommodation building and other buildings.
- Construction of a new two-storey Police Station building in the north-eastern corner of the site with frontage to Thredbo Terrace.
- Construction of a new two-storey Police accommodation building in the south-western corner of the site accommodating 8 double bedrooms with ensuites and communal kitchen, laundry, and livings areas.
- Construction of a new carport for the parking of 6 police vehicles in addition to trailer storage and construction of a new boat and skidoo storage shed.
- Construction of two (2) new entry driveways: one at the eastern end of the site providing access to the van dock which forms part of the new Police Station building and a central entry (existing location) providing access to the main part of the site.







## 4.0 CONSENT AUTHORITY

Under the provisions of Part 4 clause 20 (1) of State Environmental Planning Policy (State and Regional Development) 2011 the redevelopment of the "Emergency Services Facility" is considered regionally significant development in accordance with Schedule 7, 4 as it is Crown development over \$5 million.

Under the provisions of section 4.5 (b) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) the Southern Regional Planning Panel is designated the consent authority for the determination of this Development Application.

Pursuant to the requirements of section 4.33 of the EP&A Act 1979 Council sought the approval of the applicant for the draft conditions of consent.

The applicant requested some minor changes to the draft conditions and these changes have been reflected in the conditions attached to this report.

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is was not deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

## 5.0 REFERRALS

### 5.1 Integrated Development

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is was not deemed to be Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.

### 5.2 Internal Referrals

The development application was referred to the following sections of Council for comment:

Section	Comments
Development Engineering	Acceptable subject to conditions

## 6.0 LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT

As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below:

- Suitability of the site;

- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Draft environmental planning instruments;
- Development control plans;
- Likely Impacts of the Development - environmental (natural and built), social and economic;
- Any Planning Agreement or Draft Planning Agreement;
- The EP&A Regulations;
- Submissions; and
- Public interest.

## **6.1 The suitability of the site for the development:**

The site is the redevelopment of an existing police station which has been located on the subject land since the development of Jindabyne Township. The site is within the commercial core of Jindabyne, near other emergency services facilities and has direct access to the local road network. The redevelopment will enhance the existing service provided to the community from the site and improve the functionality of the existing buildings. The design of the proposed police building, and associated structures (accommodation, carport and garage) are of an “Alpine” architectural style that is in keeping with other developments in the vicinity and will positively contribute to the streetscape.

## **6.2 The provisions of any environmental planning instrument**

### **6.2.1 State Environmental Planning Policies**

The proposal has been assessed against the provisions of all known SEPP's and the development has been found to achieve an acceptable level of compliance. Relevant SEPP's examined below:

#### **State Environmental Planning Policy (State and Regional Development) 2011**

The development has a listed capital investment value (CIV) approximately \$7.23 million. Under the provisions of clause Part 4 and Schedule 7 of the SEPP, the development is considered “regional development” as it is Crown development exceeding \$5 million and is lodged on behalf of the Crown (NSW Police). As such the development application is being presented to the Regional Planning Panel for determination.

#### **State Environmental Planning Policy (Infrastructure) 2007**

An emergency services facility is defined as:

*"a building or place (including a helipad) used in connection with the provision of services by an emergency services organisation, including **a police station** and related training facilities."*

*An emergency services organisation means any of the following—*

- (a) *Ambulance Service of New South Wales,*
- (b) *Fire and Rescue NSW,*
- (c) *NSW Rural Fire Service,*
- (d) *NSW Police Force,***
- (e) *State Emergency Service,*
- (f) *New South Wales Volunteer Rescue Association Incorporated,*
- (g) *New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001*
- (h) *an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.*

Clause 47(2) of allows for development for the purposes of an emergency services facility to be carried out with consent on any land by or on behalf of a public authority. As such the development of a police station on behalf of NSW Police is development described in this clause.

There are provision in the ISEPP to allow for such a development to be carried out “without consent” however in this case the development proposed does not meet the preconditions of height and boundary setback limits required by clause 48.

The development is not of a type listed in Schedule 3 (traffic generating development) requiring referral to Transport for NSW. Clause 101 of the ISEPP does not apply as the site does not have frontage to a classified road.

#### State Environmental Planning Policy 55 – Remediation of Land

The applicant has undertaken a Preliminary Stage 1 Environmental Site Assessment (Appendix 8 of the SEE). The report was based on soil samples analysed for the contaminants of potential concern (CoPe) identified in the conceptual site model. The report concluded that the risks associated with CoPe were low and the data collected suggests that significant and widespread contamination issues are unlikely on the site.

Due to the age of the property, it has been determined that asbestos, lead paint and other synthetic mineral fibre (SMF) materials are present on site and required measures will need to be undertaken through the demolition phase of the development. Under the provisions of clause 7 (1)(a) Council has considered that the land is suitable for the purpose proposed, with the inclusion of suitable conditions of consent.

#### State Environmental Planning Policy 64 – Advertising and Signage

The development proposes new signage for the Police Station to replace existing signage that will be removed as part of the demolition phase. The signage is related specifically to the use of the site for a Police Station, is not illuminated and does not detract from the streetscape. As such it is considered that the business identification signage proposed as

part of this development application comply with Clause 8 and the Schedule 1 assessment criteria contained in the SEPP.

#### State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Part 3 of the SEPP applies to the subject site. Council has a development control plan which requires a permit for the removal of native vegetation in non-rural areas. The designation is based on species and size characteristics one (1) of which has been identified on site. The proposal does not seek to remove vegetation which exceeds the biodiversity offsets scheme threshold for the land. The land is not heritage listed and the tree does not form part of an Aboriginal object, nor is it within an Aboriginal place of heritage significance. As such under the provisions of the SEPP Council can issue a permit for the removal of the subject tree. The balance of the trees to be removed as part of the development will be considered under the landscaping provisions of the DCP.

#### **6.2.2 Permissibility of the development under the Snowy River Local Environmental Plan 2013**



**Figure 6 - Zoning of the subject site**

The subject site is zoned B2 – Local Centre under the Snowy River LEP 2013 (SRLEP). “Emergency Services Facilities” are not a permitted use in the zone however, the development is permissible under the provisions of Clause 47(2) of the ISEPP as “Emergency Services Facilities” are permitted with consent on any land if the development is to be carried out on or behalf of a public authority. The proposal is consistent with the aims and objectives of the SRLEP.

The proposal has also been examined in detail against the provisions of Council's SRLEP and has been found to achieve an acceptable level of compliance. The following provisions from SRLEP are of relevance:

#### Clause 4.3 Height of building

*The development exceeds the standard* - A portion of the Police Station building is proposed to exceed the maximum height limit of 9m. A request to vary the standard in accordance with clause 4.6 has been received. The assessment of the variation request is discussed below.

#### Clause 4.4 Floor Space Ratio

The site has no floor space ratio restriction.

#### Clause 4.6 Exception to development standards

The applicant has provided a written request to Council which seeks to justify the contravention of the development standard required under Clause 4.3. This clause pertains to maximum building height for the site which is 9m. The maximum height of the Police Station building is proposed to be 13.1m resulting in an exceedance of the maximum height limit of 4.1m. The height above the 9m is limited to a small portion of the roof of one of the buildings proposed for the site.

It is noted that the statement of environmental effects makes mention that the height of the accommodation building also exceeds the maximum 9 metre height limit. However the accommodation building as shown on the submitted development plans is within the 9metre limit and therefore no 4.6 variation is required for that building.

The applicant has provided the following reasons for exceeding the development standard:

- Given the slope of the site and the proposed Alpine roof form, the main Police Station building however has a maximum height of 13.1m (RL941.644) which results in a maximum non-compliance of 4.1m for a small portion of the roof.
- Notwithstanding the LEP 9m height limit, it is noted that under State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) an emergency services facility undertaken by a public authority (NSW Police) is permitted on the subject land without consent where it has a height of not more than 12m.
- The subject land is steeply sloping with a fall of over 5m from south to north and a further fall from west to east. The proposed development represents a two storey development which would generally be able to be accommodated within a 9m maximum height limit however given the slope of the site, the desire to minimise cut



and fill on site and the proposed Alpine character of the roof form, the proposal is not able to meet the 9m limit.

- The height exceedance the proposal is suited to the site and will not result in any adverse impacts on the character of the area.
- The site is adjoined to the east by a vacant site, to the west by an existing dwelling house and to the south by open parkland. Further the land slopes down toward the road such that the additional height within the proposed new police station is to be located adjacent to the street frontage with higher land to the rear. This slope will therefore enable the building to be set into the slope and will therefore be barely perceptible.
- It will not adversely affect the site context or character of the area and will ensure that the new police station building has an appropriate civic presence in the streetscape.

The applicant has demonstrated that compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the application based on the following:

- The proposed new Police Station building responds to the Alpine character of the area with a high-pitched roof and this, in conjunction with the slope of the land (>5m from south to north), results in the proposed height exceedance. Notwithstanding the proposed building is of an appropriate scale and form for the site as well as the proposed use and will not result in any adverse environmental impacts.
- It is compatible with adjacent development and the proposed non-compliance will be barely perceptible as the building will nestle into the landform with the land rising to the rear. At the same time, it will contribute significantly to the internal amenity of the building and provide a suitable civic appearance to the new Police Station building.
- A better planning outcome for the site, and the community generally, can be achieved as a result of the non-compliance.

The applicant has demonstrated that there are sufficient planning grounds to justify contravention of the development standard based on an assessment of:

- non-compliance with the standard does not contribute to adverse environmental, social or economic impacts.
- variation to the standard is required to provide a high-quality development that will both achieve a high internal amenity workplace and sufficient floor area to enable the NSW Police to deliver high quality policing services to the community and to meet growing demand.
- the proposal does not give rise to unacceptable impacts associated with the increased maximum building height, including overshadowing, traffic generation or bulk and scale.
- the extent of the height variation is minor and arises solely from the slope of the land, minimisation of cut and fill and the need to incorporate an Alpine architectural (with high pitched roof) into the design of the Police Station building.

- the proposal will not result in any adverse impacts on any heritage items or views and the visual impact of the proposal is appropriate given the context of the site and its surrounds.
- the proposed variation does not contribute to adverse traffic impacts.
- the proposed building will make best use of existing land for the provision of critical government services.
- the height non-compliance is limited to the main Police Station building only and would generally be permissible as development without consent under the Infrastructure SEPP 2007.
- the proposal does not result in any adverse overshadowing, wind, privacy or other amenity impacts and
- the proposed development complies with all other relevant controls contained in Snowy River LEP 2013.

It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6 (3).

They have demonstrated that the proposed development will be in the public interest and is consistent with the objectives of the standard and the objectives of the zone, by stating that:

- The proposed development is consistent with the objectives of the height of building development standard and the landuse zone.
- The proposed development satisfies the zone objectives as it will provide a new purpose-built police station that that will enable the NSW Police to better meet the existing and future demand of local residents, workers and visitors in terms of policing. Policing is an essential service that is required to meet the needs of the community and should be located in a central, accessible area such as that proposed. It will also provide an appropriate civic streetscape presentation for the building.
- The variation of the maximum height of building development standard does not raise any matter of significance for State or Regional planning. However, the proposal is consistent with the NSW Government's State Plan "NSW 2021" which outlines goals and performance requirements for Government services and notes that Governments require an effective police force to maintain social order and reduce rates of crime. Upholding the law is an essential part of maintaining safe and just communities and the NSW Police Force is an integral part of the law and justice system in NSW.
- There is no public benefit in maintaining the maximum height of building development standard in this instance. Maintaining and enforcing the development standard in this case would unreasonably constrain the orderly and economic development of the site, and unnecessarily reduce the various community benefits that the development would deliver.

It is considered that the proposal will allow flexibility and will achieve a positive outcome. The assumed concurrence of the Secretary is applicable in this case however due to a departure from the standard of more than 10% the determination must be made at a level

higher than that of the delegated assessing officer. This is not at issue in this case due to the application being determined by the planning panel.

#### Clause 7.9 Essential services

The development complies - As the proposal is for redevelopment of an existing facility as such all required essential services are available at the site.

#### **6.3 Provision of any proposed Environmental Planning Instruments**

There are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

#### **6.4 Assessment against the relevant provisions Snowy River Development Control Plan 2013**

The proposal has also been examined in detail against the provisions of Council's Development Control Plan and has been found to achieve an acceptable level of compliance, the following DCP provisions are of relevance:

##### **A2 Development application requirements**

The development complies with the provisions of the chapter it included all required information and plans. Note – due to the nature of the development no floor plans were provided for the Police Station building.

##### **A3 Public Notification**

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019, for a period of "28" days. No submissions were received.

##### **C2 Crime Prevention Through Environmental Design**

The development complies - A CPTED report was provided by the applicant that included a risk assessment A risk assessment of the site in its existing context and form has been undertaken. Overall, the Crime Risk Rating is considered 'low'. The report adequately addressed the requirements of the DCP and the broader CPTED principles to demonstrate compliance for the development.

##### **C3 Car-parking, Traffic & Access**

The development complies – The DCP requires that carparking is determined through an independent assessment prepared by a qualified traffic specialist. A traffic impact statement was submitted with the development application concluded that the development would not generate any additional traffic to the site, nor would there be a requirement for additional parking over that which is already provided. This was due to the application being for a redevelopment of the site for the same purpose.

##### **C5 Tree preservation & Landscaping**

Thirty (30) trees, including street trees and trees on neighbouring properties were identified for the purposes of the Arboricultural Report. Of the nineteen trees on site, sixteen (16) are proposed to be removed to facilitate the development and an additional two (2) street trees are proposed to be removed to allow for the second driveway entrance and stormwater works.

Only one (1) of the trees proposed to be removed, a *Eucalyptus nicholii* is identified as triggering the need for a Tree Permit under the DCP. The balance of the trees on site are not protected species with a number being found on the undesirable species list. The DCP has a number of exemptions to the issue a permit one of which is that a separate permit is not required if the tree is being removed as part of a development application. In this case the removal of the subject tree can be approved as part of this application without the need of further tree permits.

The landscaping proposed on site will retain three (3) of the existing trees and an addition seven (7) will be planted. This will be incorporated with mass planting of shrubs and turf to soften the impact of the development. The report indicates a net loss of four (4) trees from the site at completion of works. The two (2) street trees are to be removed to facilitate the stormwater drainage works and the construction of a new driveway are to be replaced to Councils satisfaction and a draft condition of consent has been included to ensure compliance.

This is considered a reasonable outcome due to the use of the site and the improved visual impact the development will have on the streetscape.

#### **C6 Signage & Advertising**

The proposed signage has been assessed against the provisions of SEPP 64 and considered to meet the requirements of the SEPP therefore meeting the requirements of the DCP.

#### **C9 Energy & Waste Efficiency, Water Supply & Effluent Disposal**

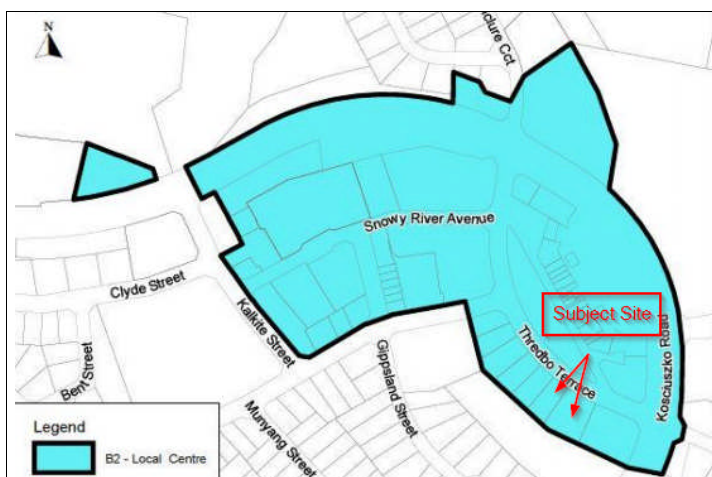
The development complies – The development has taken into consideration the principles of Environmentally Sustainable Design and the applicant has provided a separate ESD report to demonstrate compliance.

#### **C10 Waste management & Recycling**

The development complies – The application included a Waste Management Plan which outlined the demolition, construction and ongoing operation phases of the development. Appropriate conditions of consent have been proposed to ensure compliance with respect to the removal of waste (including potentially contaminated waste, asbestos and the like), waste soil and other material during the construction phases.

The plans provided for a waste disposal area to the rear of the proposed vehicle storage shed which will be screened from the street. As this is an existing use on the site, waste collection will continue as per existing arrangements.

#### **F1 Jindabyne Town Centre**



The site is mapped as being with the “Jindabyne Town Centre” and therefore the relevant provisions of Chapter F1 applies.

F1.1-1 Views, Vistas & Landmarks	The development complies - The proposed development will have little impact on views. Whilst it does exceed the maximum height limit for the site due to the topography of the land and the undeveloped Council reserve to the rear of the property it does not have a negative impact on views.
F1.1-2 Active Site & Street Frontages	The development complies – As the development is a police station many of the principles of active street frontages do not apply to the development. It will however be visible from the street with a frontage that is easily identifiable as a police station with its entrance clearly defined to all for easy pedestrian access to the site.
F1.1-5 Safety, security & crime prevention	<p>The development complies – As the development is for a police station which is designed to ensure safety and security it is considered that the development is in compliance with these provisions. In addition the application was accompanied by a Crime Prevention through Environmental Design (CPTED) Report which outlines the methods used to ensure that safety has been taken into consideration in the design of the development.</p> <p>The main police station building addresses the street to allow for its entrance to be visible to the community for access. The building has been designed to be a landmark building which is easily identifiable in its surroundings and will incorporate appropriate planting and lighting to ensure the principles of CPTED have been considered.</p>
F1.1-7 Universal Design/Accessibility	The development will comply with current accessibility standards as it is new design which is required to meet the requirements of the National Construction Code and associated legislation. The applicant provided a BCA assessment relating to access and compliance with the Disability Discrimination Act.



F1.2-1 Vehicle access & parking	The development complies – Under the provisions of Chapter C3, there are no specific off street parking requirements listed in the table for Emergency Services Facilities. The DCP requires these to be assessed on merit with a Traffic/parking assessment prepared by a qualified traffic specialist. The applicant has provided a Traffic Impact Statement to accompany the development application. In the report the consultants reviewed the existing and proposed use of the site, including traffic generation, parking and movement. It was concluded that the site will have no additional impact on traffic generation as it is the redevelopment of an existing use on the site. With respect to parking there is currently parking for police vehicles and trailers on site. This will continue with the new development and no loss of parking is proposed. For staff and the community there is on street parking on Thredbo Terrace which is limited however opposite the site is large public carpark which can be utilised as is currently the case.
F1.2-2 Pedestrian and cycle access	The development complies – the development will have no impact on pedestrian and cycle access to the site, this will remain as is existing.
F1.3-1 Height	The development does not comply - One of the proposed buildings (Police Station building) exceeds the height limit of 9m for a portion of its roofline. All other buildings on site meet the requirements and a 4.6 variation request has been submitted for the exceedance and is supported.
F1.3-3 Setbacks	The development complies – the development is consistent with the setbacks of the adjoining residential development and the pattern of the street. The development will be in keeping with the character of the streetscape.
F1.4-1 Building facades & articulation	The development complies – the applicant provided an architectural design statement which addresses the requirements of the DCP. The façade of the building provides for interest when viewed from the street and is designed to reflect the civic nature of the building.
F1.4-2 Building entrances	The development complies – the entrance of the Police Station building addresses the primary street frontage and is easily identifiable by the community.
F1.4-3 Solar access, overshadowing & natural daylight	The development complies – the applicant provided shadow diagrams demonstrating compliance with the requirements of the DCP and ESD.
F1.4-5 Signage & advertising	The development complies – the development has been assessed against the provisions of SEPP 64 and an acceptable level of compliance has been demonstrated.

F1.4-6 Materials and finishes	The development complies – The development utilises a variety of materials and colours that are in keeping with the Alpine architectural style. The design and finishes are in keeping with the existing character of the area and the use the site as a civic building.
F1.5-2 Landscape design	The development complies - the site plan provided indicates new planting and the retention of a number of existing trees which will soften the development from the street.

## **6.5 Impacts of the Development - Environmental, Social & Economic**

### **6.5.1 Access, transport and traffic pedestrian movements and safety**

The development is not considered to have a detrimental impact on traffic, pedestrian movements and safety. The site is currently serviced by an existing driveway accessing Thredbo Terrace. The proposal is to add an additional driveway to access the new carport for police vehicles and trailers. The applicant provided a traffic impact statement which concluded the following:

- The existing parking demand will be appropriately accommodated as per the current situation, including utilising the Thredbo Terrace car park, where there is ample parking available, for private vehicles,
- The proposed on-site car parking design is compliant against the minimum requirements outlined in the relevant Australian Standards.
- The largest vehicles to access the site will be a car & trailer, and a panel van. Based on the swept path test results, these vehicles can access the site through the ROW and reverse within the site (without any additional correctional manoeuvres) to exit in forward gear.
- There is no additional traffic generated by the development.

The report details that:

Six police cars will be accommodated across the six on-site car spaces and five on-street car spaces allocated to police vehicles only. There are generally only up to five officers on duty at one time. This will require additional parking for up to five private vehicles (assuming each employee drives themselves). These can be accommodated on-site or in the Thredbo Terrace car park, where there is ample parking available. The additional 8-10 officers staying in the on-site residential accommodation during the winter months will park their private vehicles in the Thredbo Terrace car park, where there is ample parking available. Considering that there are only 1-4 public visitors per day throughout the year and they are likely to be sporadic throughout the day, these private vehicles can be accommodated on-street or in Thredbo Terrace car park.

### 6.5.2 Erosion and Sedimentation

An Erosion and Sediment Control Plan, prepared by Northrop has been prepared in accordance with Landcom's Managing Urban Stormwater – Soils and Construction (The Blue Book) and submitted with the application. The plan adequately addresses the impact of site works during and after disturbance.

### 6.5.3 Amenity and Visual Impacts

The proposed new police station, accommodation building and ancillary carports and shed will contribute positively to the streetscape. The existing buildings are older in style and have become dated with little visual appeal. The applicant has taken into consideration the visual impacts of the proposed development during the design process. They have stated that the design process considered the important visual features and landscape character of the site and the surrounding land in order to minimise the visual impact on views from public spaces where appropriate, reduced the visual impact of driveways, hard surfaces and services and overriding visual character of the area.

The height, bulk and scale of the police building and associated buildings and structures has been minimised where possible. Whilst the police station building does exceed the maximum height limit it does so for a portion of the roof line which allows it to have the Alpine Style that is in keeping with the character of the area. The slope of the land has enabled the building to be set into the topography which reduces its visual impact when viewed from public places.

The colour pallet chosen for the development is again in keeping with the surrounding character and provides for interest in the façade of the building. The development is easily identifiable as a civic building which enables wayfinding and creates a point of interest from which to navigate to and from the site.

The building has used the slope of the land to nestle the building in to the site and reduce the impact on views, loss of privacy or loss of solar access. In relation to solar access shadow plans have been prepared which illustrate that shadow from the proposal will generally be contained to within the site although some shadow will be cast by the building on the vacant lot to the east in mid-winter in the afternoon.

### 6.5.4 Flora and fauna & Consideration of Threatened Species

No threatened species were found on the site, and minimal impact will occur to native flora and fauna

### 6.5.5 Social and economic impact

The development is considered to have a positive social safety impact providing for an expansion and improvement of police facilities to service a growing Jindabyne. The development is considered to have a positive economic impact on the local area providing for several construction and related trades positions which have overall benefits for the community.

#### **6.5.6 Noise and Vibration**

The development is not considered to have unreasonable noise and vibration impacts both during construction on the ongoing use of the site. Construction noise and vibration can be managed through the construction management plan and hours of construction stipulated through conditions of consent. Works can be carried out on site without the need to impact on neighbouring properties.

A Construction Environmental Management Plan has been provided as part of the development application. This CEMP also identifies that a Construction Noise Management Plan (CNMP) would be prepared prior to commencement of works on site which would describe the methods that will be implemented for the whole of the project to minimise the noise impacts.

A Geotechnical Report, was prepared and submitted as part of the development application to investigate potential vibration impacts, the report recommends that a dilapidation survey be completed prior to the commencement of demolition and excavation on the neighbouring on the neighbouring house to the west (14 Thredbo Terrace). Dilapidation reports provide a record of existing conditions prior to commencement of excavation. The dilapidation report would therefore be used as a benchmark against which to set vibration limits during rock excavation and fill compaction (if appropriate), and for assessing possible future claims for damage arising from the works.

For the ongoing operation of the police station there will be noise impacts from sirens and the like. However this is an ongoing use on the site which has been established in the location for many years. As such it is considered that it would be expected by those living and working around the site be accustomed to the noises generated by a police station. The redevelopment will not increase these impacts. A Noise Impact Assessment was prepared and submitted with the application and concludes that the proposal will not result in excessive noise generation, and provides recommendations to minimise any potential impacts which can be utilised in the construction and ongoing use phases of the development.

### **6 Public Submissions**

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of the Snowy Monaro Planning and Development Community Participation Plan 2019, for a period of "28" days. No submissions were received.

### **6.7 The public interest**

The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

## **7.0 CONCLUSION**

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCPs and Policies and it is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural & built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent.

## **8.0 RECOMMENDATION**

Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (amended) it is recommended that the consent for DA 10.2021.78.1 being an Emergency Services Facility - Staged redevelopment of existing police station and accommodation. Demolition of existing buildings and erection of a two storey police station including carport, storage shed and new accommodation building on Lots 167 & 168 DP 9 DP756686, 16-18 Thredbo Terrace Jindabyne is granted subject to conditions.



**DRAFT CONDITIONS OF CONSENT**

10.2021.78.1

**Reason for imposition of conditions:** Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

**PART A - ADMINISTRATIVE CONDITIONS****ADM\_01 Endorsed plans and supporting documentation:**

Development must be carried out in accordance with the following plans and documentation, except where amended by Council and/or the conditions of this development consent.

<b>Plan No.</b>	<b>Plan Title.</b>	<b>Drawn By.</b>	<b>Dated.</b>
JIN-AR-0001 Rev D	Location Plan and Drawing List	Group GSA	19/03/2021
JIN-AR-0100 Rev H	Existing Site Plan	Group GSA	19/03/2021
JIN-AR-0102 Rev H	Proposed Site Plan	Group GSA	19/03/2021
JIN-AR-0103 Rev I	Site Sections	Group GSA	19/03/2021
JIN-AR-0104 Rev D	Street Frontage	Group GSA	19/03/2021
JIN-AR-0105 Rev A	Site Analysis	Group GSA	19/03/2021
JIN-AR-0106 Rev A	Site Photos	Group GSA	19/03/2021
JIN-AR-0201 Rev H	General Arrangement Plans and Roof Plan – Accommodation	Group GSA	19/03/2021
JIN-AR-0300 Rev F	Elevations – Police Station	Group GSA	19/03/2021
JIN-AR-0301 Rev F	Elevations – Accommodation	Group GSA	19/03/2021
JIN-AR-0400 Rev F	Sections – Police Station	Group GSA	19/03/2021
JIN-AR-0401 Rev F	Sections – Accommodation	Group GSA	19/03/2021
JIN-AR-0570 Rev E	Shadow Diagrams – June and December	Group GSA	19/03/2021

JIN-AR-0671 Rev A	Shadow Diagrams – March and September	Group GSA	19/03/2021
JIN-AR-0600 Rev A	Signage Plans	Group GSA	19/03/2021
JIN-AR-0700 Rev F	External Works – Carport	Group GSA	19/03/2021
JIN-AR-0701 Rev D	External Works – Boat and Skidoos Shed	Group GSA	19/03/2021
	Notification Plan	Group GSA	Undated
E-303 Rev 01	Electrical Services – Site Lighting Layout	Group GSA	07/12/20
JIN-CE-02.01 Rev 04	Concept Sediment and Soil Erosion Control Plan	Northrop	17/03/21
JIN-CE-02.11 Rev 04	Sediment And Soil Erosion Control Details	Northrop	17/03/21
JIN-CE-03.01 Rev 03	Bulk Earthworks Cut To Fill Plan	Northrop	17/03/21
JIN-CE-03.11 Rev 03	Bulk Earthworks Cut To Fill Sections - Sheet 01	Northrop	17/03/21
JIN-CE-03.12 Rev 03	Bulk Earthworks Cut To Fill Sections - Sheet 02	Northrop	17/03/21
JIN-CE-04.12 Rev 04	Siteworks And Stormwater Management Plan	Northrop	17/03/21
JIN-CE-06.01 Rev 03	Driveway Longitudinal Section - Sheet 01	Northrop	17/03/21
JIN-CE-06.02 Rev 03	Driveway Longitudinal Section - Sheet 02	Northrop	17/03/21
JIN-CE-08.01 Rev 04	Catchment Plan	Northrop	17/03/21
JIN-CE-09.01 Rev 02	Retaining Wall Plan	Northrop	17/03/21
JIN-CE-09.11 Rev 02	Retaining Wall Elevation - Sheet 01	Northrop	17/03/21
JIN-CE-09.12 Rev 02	Retaining Wall Elevation - Sheet 02	Northrop	17/03/21

JIN-CE-09.13 Rev 02	Retaining Wall Elevation - Sheet 03	Northrop	17/03/21
JIN-CE-09.15 Rev 02	Retaining Wall Elevation - Sheet 05	Northrop	17/03/21
JIN-CE-09.16 Rev 02	Retaining Wall Elevation - Sheet 06	Northrop	17/03/21

<b>Document Title.</b>	<b>Prepared By.</b>	<b>Dated.</b>
Statement of Environmental Effects	MG Planning	February 2021
Preliminary Arboricultural Report	Canopy Tree Experts	18/12/2020
Jindabyne Design Statement	Group GSA	Undated
4.6 Variation Request	MG Planning	February 2021
Jindabyne Police Station Waste Management Plan	Group GSA	3/3/2021
Traffic Impact Statement	Urbis	22/1/2021
Stormwater Management Plan	Northrop	17/03/2021
Noise Impact Statement	JHA Consulting Engineers	16/03/2021
Jindabyne Police Station – Construction Environmental Management Plan	Group GSA	25/01/2021
Geotechnical Report	JK Geotechnics	17/12/2020
ESD report	JHA Consulting Engineers	28/01/2021
DCP Compliance Table		
Jindabyne Police Station – CPTED Report	Group GSA	22/01/21
Building Code Report – Access and DDA	Metro Building Consultancy	February 2021
Building Code Report – Amendment 1 Report	Metro Building Consultancy	February 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the plans will prevail.

*Reason: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

### **ADM\_03 Compliance with the Building Code of Australia**

For the purposes of section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia.

**Note:** In this condition, a reference to the BCA is a reference to that code as in force on the date of the invitation of tenders to carry out Crown Building work (as per s6.28 of the EP&A Act)

*Reason: To ensure the development complies with the requirements of Clause 98 of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended*

## **PART B - OTHER APPROVALS**

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### **OA\_01 Separate Section 138 Permit - Roads Act 1993**

Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access) and prior to the issue of an occupation certificate. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

### **OA\_04 Water supply, stormwater and sewerage works**

Prior to any new water supply, stormwater and sewerage works, an application pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works must be submitted to Council.

The developer is to ensure that approval for the s68 application must be obtained prior to any plumbing and drainage works being undertaken on the site

Note - Failure to obtain the Section 68 Approval prior to proposed new plumbing and drainage works being undertaken may result in the developer receiving a monetary penalty and the plumber being subject to investigation by the Department of Fair Trading and a fine exceeding \$1500.

## **PART C - PRIOR TO THE COMMENCEMENT OF WORKS**

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**PCC\_06 Long service levy**

In accordance with Section 6.8(1)(b) of the Environmental Planning and Assessment Act 1979, a S6.28 Crown Works Certificate must not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment must be provided to Council.

**PCW\_01 S6.28 Crown Works Certificate**

Prior to the commencement of works all construction documentation and building work is to be certified in accordance with Section 109R of the Environmental Planning and Assessment Act 1979

**PCW\_03 Erection of signage**

A sign must be erected in a prominent position on any site on which any approved work is to be carried out:

- showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
- stating that unauthorised entry to the work site is prohibited.

The sign must be maintained while the approved work is being carried out and must be removed when the work has been completed

*Reason: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.*

**PWC\_14 Demolition Works**

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

- a) All demolition work is to be carried out in accordance with Australian Standard AS2601 - The Demolition of Structures;
- b) It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation reports supported with suitable photographic records. This information shall be submitted to Council prior to commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement;
- c) No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track



soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of appropriately.

- d) In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

**PCW\_15    Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

**PCW\_19    Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access. No building work is to commence until the fence is erected.

**PCW\_30    Disconnection of Services**

All previously connected services that are required to be disconnected are to be appropriately disconnected and made safe prior to the commencement of demolition/construction works. The various service authorities (including Council for water and sewer infrastructure) shall be consulted regarding their requirements for disconnection of services.

**PCW\_31    All existing services that are to remain live are to be identified, pegged and made safe.**

**Part D -    DURING CONSTRUCTION**

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**DC\_01    Erosion and drainage management**

Erosion and sediment control works must be implemented in accordance with the endorsed erosion and sediment control plan and maintained throughout the construction process.

*Reason: It is in the public interest that the development works do not damage existing Council infrastructure and accordingly a record of existing conditions is required. Section 4.15(e) of the Environmental Planning and Assessment Act 1979.*

**DC\_02    Construction management**

The endorsed Construction Site Management Plan must be implemented and maintained throughout the construction process. A copy of the Plan must also be kept on site and be made available to Council upon request.

Reason: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**DC\_03    Infrastructure and Public Road and Footpath Areas**

Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development must not be borne by Council. The owner, principal contractor or owner-builder must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.

**DC\_05      Use of Power Tools - Residential and Village Areas**

The developer is to ensure that work on the development site by all persons using power tools and equipment is limited to the following hours:

Monday to Friday:	7.00am to 6.00pm
Saturday:	7.00am to 5.00pm
Sunday:	No work
Public Holidays:	No work

*Reason: To ensure building works do not have adverse effects on the amenity of the area.*

**DC\_07      Inspections**

Council must be given 48 hours' notice to undertake any required inspections.

**DC\_08      Items not to be placed on roadway**

The following items must not be placed on the footpath, roadway or nature strip at any time throughout the construction process: • building materials, sand, waste materials or construction equipment; • bulk bins/waste skips/containers; or • other items that may cause a hazard to pedestrians.

**DC\_09      Site maintenance**

The principal contractor or any other person having benefit of the development consent must ensure that:

- approved sediment and erosion control measures are installed and maintained during the construction period;
- building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held; and
- the site is clear of waste and debris at the completion of works.

Such measures will be in place throughout the construction process.

**DC\_10      Contaminated, scheduled, hazardous or asbestos materials**

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the owner, principal contractor or owner-builder must ensure the appropriate regulatory authority (for example: Office of Environment and Heritage, SafeWork NSW, Council, Fire and Rescue NSW) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of the appropriate regulatory authority.

**DC\_12      Tree protection**

All required tree protection measures are to be maintained in good condition for the duration of the construction period in accordance with AS 4970-2009 and tree protection measures outlined in the supporting Arborists Report . Existing soil grades must be maintained within the fenced Tree Protection Zones, and all machinery, builders refuse, spoil and/or materials must remain outside of the fenced Tree Protection Zones. Council can require the project arborist to inspect, monitor and treat trees being retained at phases of the project. All monitoring must be recorded and provided to Council upon completion of each phase.

**DC\_18      Protecting Wastewater supply services**

Council's existing wastewater infrastructure including rising mains, trunk, drainage pipelines and access chambers (SMH) which are exposed, accidentally or deliberately during construction shall be protected from damage.

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

Note: Repair work may require a Section 68 Application for sewerage works under the Local Government Act 1993.

*Reason: It is in the public interest that the development works do not damage existing Council infrastructure. Section 4.15(e) of the Environmental Planning and Assessment Act 1979.*

**DC\_19      Encroachments of services - Sewer**

No sewer service shall traverse or encroach onto any lot to service another.

**DC\_20      Protecting Water supply services**

Council's existing water supply infrastructure including rising mains, trunk and reticulation pipelines which are exposed, accidentally or deliberately during construction shall be protected from damage.

Council must be informed immediately of any damage to any Council infrastructure. The damage shall be repaired/reinstated to new condition at the applicant's expense following consultation with Council.

Note: Repair work may require a Section 68 Application for water supply works under the Local Government Act 1993.

*Reason: It is in the public interest that the development works do not damage existing Council infrastructure. Section 4.15(e) of the Environmental Planning and Assessment Act 1979.*

**DC\_21      Encroachments of services – Water**

No Water supply service shall traverse or encroach onto any lot to service another.

*Reason: Service to remain wholly within lot it services*

**DC\_23      Approved Plans on Site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification will be kept on the site at all times during construction and will be readily available for perusal by any officer of the Council.

**DC\_24      Public Access and Site Security**

It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

**DC\_25      Excavation**

1. The developer is to ensure that at all times all excavations and backfilling associated with the development is executed safely and in accordance with professional standards.
2. The developer is to ensure that all excavations are properly guarded and protected at all times to prevent them from being a danger to life or property.
3. The developer is to ensure that if an excavation associated with the development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
  - a. preserve and protect the adjoining building from damage, and if necessary, underpin and support the building in an approved manner; and
  - b. at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
4. The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on

the allotment of land being excavated or on the adjoining allotment of land. An allotment of land includes a public road and any other public place.

5. The developer is to ensure that the toe of any embankment to a site excavation is a minimum 900mm from the external walls and graded to drain all surface water away from the building. The ground level adjacent to the building is to be no less than 150mm below the top of the reinforced concrete floor slab.

*Reason: To ensure the development complies with the requirements of Clause 98E of the Environmental Planning and Assessment Regulations 2000, and Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended*

#### **DC\_26      Dust Control Measures**

Adequate measures will be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- a) Physical barriers will be erected at right angles to the prevailing wind direction or will be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- b) Earthworks and scheduling activities will be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed, All materials will be stored or stockpiled at the best locations,
- c) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- d) All vehicles carrying spoil or rubble to or from the site will at all times be covered to prevent the escape of dust or other material,
- e) All equipment wheels will be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- f) Gates will be closed between vehicle movements and will be fitted with shade cloth, and Cleaning of footpaths and roadways will be carried out regularly.

*Reason: to reduce impact on surrounding properties during construction.*

#### **DC\_27      Revegetation Works**

At the completion of site works the following landscaping works are to be carried out:

- a) all disturbed areas are to be weed free hay mulched.
- b) topsoil is spread over all disturbed areas with priority given to cut and fill batters;
- c) All disturbed areas are re-vegetated using drylands grass mix with a complete fertiliser;

#### **DC\_28      Retaining Walls**

The developer shall ensure that the retaining wall and any associated drainage requirements are wholly within the development site.

All retaining walls in excess of 1.2 meters in height must be certified by a qualified structural engineer verifying the structural integrity of the retaining wall after construction.

**DC\_30      Protection of Trees**

All street trees will be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, will be replaced, to the satisfaction of Council.

**DC\_31**      All protected trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

**DC\_32      Tree Removal Safety**

a) The tree removal shall be only be undertaken by a tree removal professional so as to ensure the activity is undertaken in a safe manner.

b) Lopping and pruning is to be undertaken in accordance with the Australian Standard (A.S. 4373; 1996 - Pruning of Amenity Trees - available from [www.saiglobal.com](http://www.saiglobal.com))

c) The tree removal site shall be adequately managed to restrict and control access to the work site on private or public property for the duration of the works.

**PART E -      PRIOR TO THE OCCUPATION**

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**POC\_01      Statement of BCA Compliance**

Prior to the occupation and use of the building a Statement of BCA Compliance is to be provided to Council.

**POC\_04      Infrastructure repair**

Prior to occupation, any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired to the satisfaction of Council and at no cost to Council.

**POC\_08      Services**

Any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications required as a result of the development must be at no cost to Council and undertaken prior to occupation.

**POC\_09      Waste management**

All refuse, spoil and/or material unsuitable for use must be removed from the site and lawfully disposed of upon completion of the building works and prior to occupation.

**POC\_10      Completion of landscape works**

Prior to occupation, the Council must be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plans and any relevant conditions of consent.

**POC\_11    Completion of tree works**

Prior to occupation, all tree works, including pruning in accordance with Australian Standard AS4373-2007 or remediation works in accordance with Australian Standard AS4370-2009, and the protection of tree have been undertaken in accordance with the approved plan(s) and conditions of consent.

**POC\_19    Finished Drainage System**

The developer is to submit two copies of the finished internal storm water drainage system to Council prior to occupation.

*Reason: To ensure adequate records are made of systems installed.*

**PART H -    PRIOR TO THE OCCUPATION**

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**OU\_14    Fire Safety**

Each year the owners must send to the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

**OU\_26    Driveway Design at Property Boundary**

The developer shall ensure that the level of the driveway at the property boundary is to be +3% above the adjacent top of kerb (that is a +3% longitudinal gradient from the gutter to the property boundary) and conforms to the longitudinal gradient of the roadway.

**OU\_27    Vehicular Entrance (Urban)**

The developer shall construct a concrete paved vehicular footpath crossing between the kerb and gutter and the property boundary in conformity with Council's standard drawing No. SD2c and SD80a. Formwork and reinforcing for the vehicular footpath crossing shall be inspected by the Council's Development Engineer or his delegate prior to the pouring of concrete. Arrangements for inspections can be made by telephoning 1300 345 345 during office hours. Inspection fees are payable for these inspections.

Note: Works in the road reserve must not commence until a Section 138 (Roads Act 1993) Consent Notice has been approved and issued by Council.

**OU\_37    Storm Water Drainage Connection Point**

All storm water discharging from roof or hardstand surfaces shall be connected to an onsite detention tank draining to street drainage in Thredbo Terrace. The storm water drainage pipe shall be a minimum 100mm in diameter, rubber ring



jointed, class SN8 and installed in conformity with Council's Development Design and Construction Specifications and to the satisfaction of Council.

A pipe/kerb adaptor to match the kerb profile shall be inserted into the kerb. The kerb must be saw cut to the invert level and the adaptor grouted in place. A minimum depth of 50mm bedding shall be placed under the pipe in the road verge/footpath area. All affected areas shall be reinstated and revegetated with suitable erosion and sediment control.

The storm water drainage pipe shall be inspected by Council's Development Engineer or his delegate prior to backfill. Arrangements for inspections can be made by telephoning 1300 345 345 during office hours.

Note:

Works in the road reserve must not commence until a Section 138 (Roads Act 1993) Consent Notice has been approved and issued by Council.