

Patricia Baldwin *Plann/Dev.*

From: Dennis JENNER [DJENN@doh.health.nsw.gov.au]
Sent: Monday, 21 May 2007 9:15 AM
To: Corporate Email
Cc: david.keeler@commerce.nsw.gov.au, BOBM@nrhs.nsw.gov.au,
JOHNL@nrhs.nsw.gov.au
Subject: DA 07/0205 30 bed inpatient unit - Tweed Heads District Hospital

Importance: High

Attachments: ~max0004 PDF



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(474 KB)

** High Priority **

Attention, Lindsay McGavin

Please find the letter of response to Council's proposed conditions re: DA 07/0205 30 bed inpatient unit - Tweed Heads District Hospital.

Your assistance in facilitating determination of the application is requested.

Dennis Jenner

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LN: 10897

TWEED SHIRE COUNCIL	
FILE No.	DA07/0205 PT.2
Doc. No.
REC'D	21 MAY 2007
ASSIGNED TO:	MICHELIR
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CUSTOMER: NSW HEALTH DEPT

locked Mail Bag 961

The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2482

Attention: Lindsay McGavin

Dear Sir,

DA07/0205 - 30 bed inpatient extension to Tweed Heads District Hospital at Lot 628 DP 755740, Keith Compton Drive TWEED HEADS (Rowena Michel)
Proposed Draft Consent Conditions – Council email dated 17 May 2007.

As requested, the proposed Consent conditions have been reviewed on behalf of the Crown Applicant. The reply (in bold) on the acceptance or otherwise, of each council condition (in italics) is as follows:

SCHEDULE OF CONDITIONS ATTACHED TO BE ATTACHED TO THE CONSENT
GENERAL

- The development shall be completed in accordance with the Statement of Environmental Effects and plans listed in the following table, except where varied by the conditions of this consent.*

<i>Title</i>	<i>Plan / Revision</i>	<i>Date</i>	<i>Author</i>
<i>Site Plan</i>	<i>DA-01/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Floor Plan - Level 1</i>	<i>DA-02/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Floor Plan - Level 2</i>	<i>DA-03/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Floor Plan - Level 3</i>	<i>DA-04/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Floor Plan - Plant Level</i>	<i>DA-05/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Roof Plan</i>	<i>DA-06/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Sections - Sheet 1</i>	<i>DA-07/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>Sections - Sheet 1</i>	<i>DA-08/A</i>	<i>02.02.2007</i>	<i>Hassell</i>
<i>West Elevation</i>	<i>DA-09/B</i>	<i>08.02.2007</i>	<i>Hassell</i>
<i>South Elevation</i>	<i>DA-10/B</i>	<i>08.02.2007</i>	<i>Hassell</i>
<i>North Elevation</i>	<i>DA-11/B</i>	<i>08.02.2007</i>	<i>Hassell</i>
<i>Ground Level Plan</i>	<i>April 19-2007 E</i>	<i>19.04.2007</i>	<i>-</i>

Reply: Conditions is accepted.

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

Reply: Conditions is accepted.

- Colours and materials used in the building extension shall be consistent with those approved in development consent DA06/0097.*

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Locked Mail Bag 961 North Sydney NSW 2059
Tel (02) 9391 9000 Fax (02) 9391 9101
Website www.health.nsw.gov.au

Reply: Conditions is accepted.

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

Reply: Conditions is accepted.

5. *The applicant shall ensure that conditions relating to the balance of the building (as identified in Development Consent DA06/0097) are complied with, except where modified by approved plans here in.*

Reply: Conditions is accepted.

PRIOR TO BUILDING CERTIFICATION

6. *The developer shall provide 48 parking spaces including parking for the disabled in accordance with Section A2 of Council's Consolidated DCP, AS 2890 and Austroads Part 11.*

The developer shall upgrade the existing parallel parking within Keith Compton Drive to 90 degree parking. The net increase of spaces provided shall be credited to the parking demand of the proposed development. Any shortfall from this increase shall be provided on site.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by Council prior to the building certification.

Reply: Conditions is accepted. As a Crown Development, application for construction certificate shall not be made to Council.

7. *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 engineering plans and specifications for the following required works: -*

Upgrading of parallel parking within Keith Compton Drive to 90 degree parking from Solander Street to a point approximately 120 metres north.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings*
- Stormwater drainage*
- Water and sewerage works*
- Sediment and erosion control plans*
- Location of all services/conduits*
- Traffic control plan*

Reply: Conditions is accepted.

8. *Permanent stormwater quality treatment shall be provided in accordance with the following:*
- (a) *A detailed stormwater management plan (SWMP) for the occupational or use stage of the development 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 shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.*

Reply: Conditions is accepted.

9. *The applicant shall obtain certification of the following works: -*
- connection of a private stormwater drain to a public stormwater drain*
 - installation of stormwater quality control devices*
 - erosion and sediment control works*

Reply: Conditions is accepted.

10. *Erosion and Sediment Control shall be provided in accordance with the following:*
- (a) *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".*

Reply: Conditions is accepted.

11. *Section 94 Contributions*

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, work is not to commence unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan: \$77,279
S94 Plan No. 4 (Version 4.0)
Sector1_4

Reply: Conditions is NOT accepted. Section 94 of the Environmental Planning and Assessment Act - Contributions Plans Manual - contains the following commentary on "crown development":

"Crown developments providing essential community services (refer Department of Urban Affairs and Planning, Circular D6 - Crown Development Applications and Conditions of Consent) should not be charged developer contributions".
Crown activities providing a public service or facility lead to significant benefits for the public in terms of essential community services and employment opportunities. These activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective.

Circular D6 contains a guide for councils and Crown agencies on justifiable categories of S94 contributions towards off-site works for Crown developments that provide an essential community service. These only relate to site drainage and connection.

Thus we contend that S94 contributions to the value of \$77,279 are not applicable to this development.

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, work is not to commence unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

<i>Water DSP4:</i>	<i>27 ET @ \$4598</i>	<i>\$124,146</i>
<i>Sewer Banora:</i>	<i>42 ET @ \$2863</i>	<i>\$120,246</i>

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

Reply: Conditions is NOT acceptable. In respect to Section 64 Contributions, we draw to your attention to the fact that water authorities can charge direct connection costs where appropriate but not compulsory levy water and sewerage contribution costs under the Water Management Act 2000. This is outlined in the "Developer Charges for Water Supply, Sewerage and Stormwater Guidelines", DLWC, Dec 2002 (see page 12, section 2.7). These guidelines state categorically "Crown developments for community services (eg education, health, community services and law and order) are exempt from general developer charges. Water utilities may charge these developments only for the portion of the direct connection (eg for a lead-in main) relating to Crown developments".

Thus we contend that water and sewer contributions amounting to \$244,392:00 are not applicable to this project.

PRIOR TO COMMENCEMENT OF WORK

13. *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 to the satisfaction of the building certifier.*

In addition to these measures, a core flute sign 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.

Please note that this sign is to remain in position for the duration of the project.

Reply: Conditions is accepted.

14. *All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the building certifier. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the building certifier prior to commencement of building works.*

Reply: Conditions is accepted.

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

Reply: Conditions is accepted with the suggested modification. The principal of the condition is accepted not the timing sequence. As part of the procurement method the contractor is responsibility to seek opening/connection permits and pay all associated fees on behalf of the proponent.

16. *Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste*

Reply: Conditions is accepted.

DURING CONSTRUCTION

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

Reply: Conditions is accepted.

18. *Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the occupation of the buildings.*

Reply: Conditions is accepted.

19. *During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.*

Reply: Conditions is accepted.

20. *Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -*

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

Reply: Conditions is accepted.

21. *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.*

Reply: Conditions is accepted.

22. *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 in accordance with WorkCover 2000 Regulations.*

Reply: Conditions is accepted.

23. *All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -*

- Noise, water or air pollution*
- Minimise impact from dust during filling operations and also from construction vehicles*
- No material is removed from the site by wind*

Reply: Conditions is accepted.

24. *The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.*

Reply: Conditions is accepted.

25. *All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent and certified drawings and specifications.*

Reply: Conditions is accepted.

26. *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 building is certified).*

Reply: Conditions is accepted.

27. *Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.*

Reply: Conditions is accepted.

28. *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 all plumbing and drainage work and prior to occupation of the building.*

Reply: Conditions is accepted with the adjustments shown. Refer also to condition No 37.

29. *Plumbing*

A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

Reply: Conditions is accepted.

30. *Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.*

Reply: Conditions is accepted.

31. *All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.*

Reply: Conditions is accepted.

32. *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.*

Reply: Conditions is accepted.

33. *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.*

Reply: Conditions is accepted.

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and*
- * 50⁰C 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.

Reply: Conditions is accepted.

PRIOR TO OCCUPATION

35. *Prior to occupation, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.*

Reply: Conditions is accepted.

36. *Prior to occupation, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.*

Reply: Conditions is accepted.

37. *Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.*

Reply: Conditions is accepted.

38. *The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.*

Reply: Conditions is accepted.

I trust this will permit the finalisation of Council's consideration in this matter and facilitate the immediate issue of the Development Consent. If Council is unwilling to issue consent based on this advice, please immediately contact Mr John Lambert, Area Manager Capital Works on telephone (02) 66202115.

Yours faithfully



Dennis Jenner
Associate Director, Assets

21/5/07