

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA22/0515

Development: Development for the construction of two residential flat buildings comprising of a total of 122 units, swimming pool and basement parking to be completed over two stages

Site: Lots 8, 9 10 and 11 in DP 224382 otherwise known as 13 – 19 Enid Street Tweed Heads NSW 2485

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 14 August 2024

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lots 8, 9 10 and 11 in DP 224382 otherwise known as 13 – 19 Enid Street Tweed Heads NSW 2485.

The conditions of consent are as follows:

GENERAL

1. The development shall be completed in accordance with the following plans except where varied by the conditions of this consent.

Sheet No	Name	Author	Version	Date
DA-000	Cover sheet	Jackson Teece	12	30/07/2024
DA-010	Site context	Jackson Teece	7	28/05/2024
DA-100	Site plan	Jackson Teece	7	30/07/2024
DA-101	Site plan-staging	Jackson Teece	6	30/07/2024
DA-107	Floor plan -Basement 3	Jackson Teece	6	28/05/2024
DA-108	Floor plan -Basement 2	Jackson Teece	8	28/05/2024
DA-109	Floor plan -Basement 1	Jackson Teece	12	28/05/2024
DA-110	Floor plan -Level 01 (Ground floor)	Jackson Teece	16	30/07/2024
DA-111	Level 02_North Level 02_South	Jackson Teece	12	30/07/2024
DA-112	Level 03-04_North Typical Level 03_South	Jackson Teece	11	30/07/2024
DA-113	Level 03-04_North Typical Level 04_South	Jackson Teece	11	30/07/2024
DA-114	Level 05_North Level 05_South	Jackson Teece	11	30/07/2024
DA-115	Level 06-13_North Typical Level 06-13_South Typical	Jackson Teece	11	30/07/2024
DA-124	Level 14_North & South Penthouse	Jackson Teece	8	30/07/2024
DA-125	Roof plan	Jackson Teece	12	30/07/2024
DA-200	Street elevation	Jackson Teece	8	30/07/2024
DA-201	Elevations 01	Jackson Teece	12	30/07/2024
DA-202	Elevations 02	Jackson Teece	11	30/07/2024
DA-300	Section 01	Jackson Teece	10	30/07/2024
DA-301	Section 02	Jackson Teece	10	30/07/2024
DA-302	Sections – 03 Lobby Cranked Sections	Jackson Teece	4	30/07/2024
DA-303	Sketches – LG Detail Sketch Sections	Jackson Teece	4	30/07/2024
DA-400	Enid Street detail view 01	Jackson Teece	10	30/07/2024
DA-401	Enid Street detail view 02	Jackson Teece	9	30/07/2024
DA-402	Enid Street detail view 03	Jackson Teece	8	30/07/2024
DA-403	Enid Street detail view 04	Jackson Teece	8	30/07/2024
DA-404	Enid Street detail view 05	Jackson Teece	8	30/07/2024
DA-405	Enid Street detail view 01 Artist illustration	Jackson Teece	7	30/07/2024
DA-406	Enid Street detail view 02 Artist illustration	Jackson Teece	6	30/07/2024
DA-601	GFA Area plans	Jackson Teece	9	30/07/2024
DA-601.1	GFA Area plans	Jackson Teece	2	30/05/2024
DA-602	Deep soil, site cover & impermeable surface breakdown	Jackson Teece	9	30/07/2024
DA-603	Useable communal open space	Jackson Teece	8	30/07/2024

	(COS)breakdown			
DA-604	Shadow analysis COS	Jackson Teece	6	30/07/2024
DA-650	Apartment yield / mix typology	Jackson Teece	11	30/07/2024
DA-651	Storage breakdown	Jackson Teece	8	30/07/2024
DA-652	Typical apt North	Jackson Teece	7	30/07/2024
DA-653	Typical apt North cont.	Jackson Teece	7	30/07/2024
DA-654	Typical apt South	Jackson Teece	7	30/07/2024
DA-655	Typical Apt South_Cont	Jackson Teece	4	30/07/2024
DA-660	Adaptable apartment layout	Jackson Teece	4	30/07/2024
DA-700	ADG Compliance	Jackson Teece	8	30/07/2024
DA-701	ADG Compliance - Solar / Cross ventilation	Jackson Teece	8	30/07/2024
DA-702	ADG Compliance - Solar / Cross ventilation	Jackson Teece	8	30/07/2024
DA-800	Shadow diagrams Sheet 1	Jackson Teece	8	30/07/2024
DA-801	Shadow diagrams Sheet 2	Jackson Teece	8	30/07/2024
DA-802	Shadow diagrams Sheet 3	Jackson Teece	3	30/07/2024
DA-850	Sun analysis Sheet 1 - 9am-10.30am	Jackson Teece	8	30/07/2024
DA-851	Sun analysis Sheet 2 - 11am-12.30pm	Jackson Teece	8	30/07/2024
DA-852	Sun analysis Sheet 3 - 1pm-2.30pm	Jackson Teece	8	30/07/2024
DA-853	Sun analysis Sheet 4 - 3pm	Jackson Teece	8	30/07/2024
DA-855	Building height planes diagram	Jackson Teece	8	30/07/2024
DA-856	Building height planes diagram	Jackson Teece	4	30/07/2024
DA-858	Significant views	Jackson Teece	7	30/07/2024
DA-900	Staging - Site plan	Jackson Teece	3	30/07/2024
DA-901	Staging - Site plan	Jackson Teece	3	30/07/2024
DA-902	Staging – Floor Plan – Basement 3	Jackson Teece	2	28/05/2024
DA-903	Staging – Floor Plan – Basement 2	Jackson Teece	2	28/05/2024
DA-904	Staging – Floor Plan – Basement 1	Jackson Teece	2	28/05/2024
DA-905	Staging – Floor Plan – Level 01 (Ground Floor)	Jackson Teece	2	28/05/2024
DA-906	Staging Elevation	Jackson Teece	3	30/07/2024
Ref L21023	Landscape Intent 13-19 Enid Street	Zone Landscape Architecture	G	30/07/2024

[GEN0005]

2. The development shall be completed over two (2) stages in accordance with the staging plans DA-900 to DA906 approved by Condition 1. For avoidance of doubt, the staging is as follows:

- Stage 1 is to comprise construction of three basement levels, construction of the northern tower, construction of pool area, landscaping as per plan DA-905 Revision 2, and temporary landscaping over the southern portion of the lot.
- Stage 2 is to comprised construction of the southern tower and associated landscaping.

[GEN0005]

3. The issue of this Development Consent does not certify compliance with the

relevant provisions of the Building Code of Australia.

[GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

5. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[GEN0155]

6. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under the approved Dewatering Management Plan *Dewatering Management Plan Report* (Reference: PG-5601) prepared by Pacific Geotech dated February 2024 . Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.

[GEN0180]

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

[GEN0265]

8. The owner is to ensure that the proposed buildings are constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. Minor changes to form and configuration are permitted when drawings are prepared for construction purposes after the grant of development consent.

[GEN0300]

9. Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the *Public Health Act 2010* shall be installed in accordance with the requirements of Part 2 - Legionella Control of the *Public Health Regulation 2022*.

[GEN0315]

10. Prior to the commencement of construction of the new structure or use of the site a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2017. A copy of this certificate shall be forwarded to the Principal Certifier and Council within 7 days of completion of the 'clearance inspection'.

[GEN0350]

11. Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e: the provision of water and sewerage to the development.

Note:

- (a) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
- (b) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for a certificate of compliance under the Water Management Act 2000 to be issued by a Registered Certifier.

[GEN0375]

12. Works in the vicinity of public infrastructure must comply with the following requirements:

- a) No portion of any habitable structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
- b) Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability.
- c) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, concrete slab with construction joints along the alignment of the sewer easement or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures, or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
- d) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located external to the easement and at least 1.0 metre horizontally clear of sewer main.
- e) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted within one metre of Council utilities to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline. Trees listed in D15.10 **Table 2: Problem Species Trees** are not permitted within 5 metres of any Council utility.
- f) [spare]

[GENNS01]

13. A bollard or other suitable vertical device be installed within the property at the vehicle egress to ensure compliance with AS2890 for pedestrian sight distance.

[GENNS02]

14. An application be made to Council through the Local Traffic Committee for the installation of a Loading Zone on Enid Street adjacent to the property.

[GENNS02]

15. A minimum of 18 visitor spaces are to be signposted accordingly on site and not allocated to individual units.

[GENNS02]

16. Essential Energy provides the following comments:

- a. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for comment.
- b. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property should be complied with.
- c. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
[Development Applications \(essentialenergy.com.au\)](https://www.essentialenergy.com.au/partners/development-applications)
<<https://www.essentialenergy.com.au/partners/development-applications>>
- d. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995* (NSW).
- e. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice - Work near Overhead Power Lines* and *Code of Practice - Work near Underground Assets*.

[GENNS03]

17. The buildings and the equipment at height will constitute an infringement of Gold Coast Airports controlled airspace. Approval is required from Gold Coast Airport Pty Ltd before construction begins for each stage of the development. Application must be made to Gold Coast Airport Pty Ltd for the buildings as well as any construction cranes (tower and/or mobile), concrete pumps, raised platforms or other temporary equipment used at height on the site.

At completion of construction an as built survey of the development must be provided to Gold Coast Airport. This is required as the buildings will constitute a permanent intrusion of the controlled airspace.

[GENNS04]

18. The development is to be sited wholly on private land and any encroachments onto Council land are to be removed/demolished immediately.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

19. The developer shall provide 179 parking spaces, including parking for the disabled, in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Certifier (Council or a Registered Certifier) with the Construction Certificate application.

[PCC0065]

20. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

A Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid as applicable to each Stage and the Certifying Authority has sighted Council's receipt confirming payment.

Stage 1

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	157.775 trips @ \$1,136.65 per trip (\$815.00 base rate + \$321.65 indexation)	\$179,334.55
	CP04 Road Contributions (1-Tweed Heads)	
b.	Contribution Plan No 5 - Local Open Space:	
	41.7902 ETs @ \$753.16 per ET (\$502.00 base rate + \$251.16 indexation)	\$31,474.70
	CP05 (Local OS) Casual Open Space	
c.	Contribution Plan No 5 - Local Open Space:	
	41.7902 ETs @ \$862.00 per ET (\$575.00 base rate + \$287.00 indexation)	\$36,023.15
	CP05 (Local OS) Structured Open Space	
d.	Contribution Plan No 11 - Tweed Shire Library Facilities:	
	41.7902 ETs @ \$1,214.47 per ET (\$792.00 base rate + \$422.47 indexation)	\$50,752.94
	CP11 Libraries	
e.	Contribution Plan No 12 - Bus Shelters:	
	41.7902 ETs @ \$87.29 per ET (\$60.00 base rate + \$27.29 indexation)	\$3,647.86
	CP12 Bus Shelters	
f.	Contribution Plan No 13 - Eviron Cemetery:	
	41.7902 ETs @ \$161.74 per ET (\$101.00 base rate + \$60.74 indexation)	\$6,759.14
	CP13 Cemeteries	

g.	Contribution Plan No 15 - Developer Contributions for Community Facilities:	
	41.7902 ETs @ \$2,161.49 per ET (\$2,083.00 base rate + \$78.49 indexation)	\$90,329.09
	CP15 Comm Facilities	
h.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:	
	41.5735 ETs @ \$2,618.12 per ET (\$1,759.90 base rate + \$858.22 indexation)	\$108,844.41
	CP18 Council Admin Facilities	
i.	Contribution Plan No 22 - Cycleways:	
	41.7902 ETs @ \$649.74 per ET (\$447.00 base rate + \$202.74 indexation)	\$27,152.76
	CP22 Cycleways	
j.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	41.7902 ETs @ \$1,499.92 per ET (\$1,031.00 base rate + \$468.92 indexation)	\$62,681.95
	CP26 (Regional OS) Casual	
k.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	41.7902 ETs @ \$5,264.68 per ET (\$3,619.00 base rate + \$1,645.68 indexation)	\$220,012.03
	CP26 (Regional OS) Structured	
l.	Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping:	
	66 MDUs @ \$1,047.00 per MDU (\$1,047.00 base rate + \$0.00 indexation)	\$69,102.00
	CP27 TH Master Plan Open Space	

Stage 2

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	218.4 trips @ \$1,136.65 per trip (\$815.00 base rate + \$321.65 indexation)	\$248,243.80
	CP04 Road Contributions (1-Tweed Heads)	
b.	Contribution Plan No 5 - Local Open Space:	
	44.791 ETs @ \$753.16 per ET (\$502.00 base rate + \$251.16 indexation)	\$33,734.78
	CP05 (Local OS) Casual Open Space	
c.	Contribution Plan No 5 - Local Open Space:	
	44.791 ETs @ \$862.00 per ET (\$575.00 base rate + \$287.00 indexation)	\$38,609.84
	CP05 (Local OS) Structured Open Space	

d.	Contribution Plan No 11 - Tweed Shire Library Facilities:	
	44.791 ETs @ \$1,214.47 per ET (\$792.00 base rate + \$422.47 indexation)	\$54,397.32
	CP11 Libraries	
e.	Contribution Plan No 12 - Bus Shelters:	
	44.791 ETs @ \$87.29 per ET (\$60.00 base rate + \$27.29 indexation)	\$3,909.80
	CP12 Bus Shelters	
f.	Contribution Plan No 13 - Eviron Cemetery:	
	44.791 ETs @ \$161.74 per ET (\$101.00 base rate + \$60.74 indexation)	\$7,244.49
	CP13 Cemeteries	
g.	Contribution Plan No 15 - Developer Contributions for Community Facilities:	
	44.791 ETs @ \$2,161.49 per ET (\$2,083.00 base rate + \$78.49 indexation)	\$96,815.29
	CP15 Comm Facilities	
h.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:	
	44.791 ETs @ \$2,618.12 per ET (\$1,759.90 base rate + \$858.22 indexation)	\$117,268.21
	CP18 Council Admin Facilities	
i.	Contribution Plan No 22 - Cycleways:	
	44.791 ETs @ \$649.74 per ET (\$447.00 base rate + \$202.74 indexation)	\$29,102.50
	CP22 Cycleways	
j.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	44.791 ETs @ \$1,499.92 per ET (\$1,031.00 base rate + \$468.92 indexation)	\$67,182.91
	CP26 (Regional OS) Casual	
k.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	44.791 ETs @ \$5,264.68 per ET (\$3,619.00 base rate + \$1,645.68 indexation)	\$235,810.28
	CP26 (Regional OS) Structured	
l.	Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping:	
	56 MDUs @ \$1,047.00 per MDU (\$1,047.00 base rate + \$0.00 indexation)	\$58,632.00
	CP27 TH Master Plan Open Space	

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET MUST BE PROVIDED

AT THE TIME OF PAYMENT.

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates in the relevant Plan as at the date the condition is imposed (which may have been indexed or varied from the original contribution rates in the Plan by a clause adopted in the Plan).

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

NOTE: All Section 7.11 Contribution payments are non-refundable.

[PCC0215]

21. **Section 306 Letter of Requirement** under Sections 305, 306 and 307 of the Water Management Act 2000, for each stage of the development, 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.

[PCC0265]

22. Any site filling is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The development must at no time result in additional runoff or ponding occurring within neighbouring properties.

[PCC0485]

23. A detailed Plan of Landscaping containing no priority weed species and with a minimum 80% of total plant numbers comprised of local native species to the Tweed Shire is to be submitted and approved by the Certifier prior to the issue of a Construction Certificate for Stage 1.

The plans are to include a detailed plan of landscaping for both Stage 1 and Stage 2. Stage 1 landscaping plan is to include details of temporary landscaping for the southern portion of the site prior to commencement of construction of the Stage 2.

Local native species are to comprise appropriate species selected from the Tweed Shire Native Species Planting Guide available online at: <http://www.tweed.nsw.gov.au/environment/native-plants-wildlife/native-plants>

[PCC0585]

24. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993, for each stage, for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Construction of a new vehicular access off Enid Street, in accordance with Section A2 - "*Site Access and Parking Code*" of Council's consolidated Tweed Development Control Plan and Council's "*Driveway Access to Property - Part 1*" Design Specification, latest versions.

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 (as applicable)

[PCC0895]

25. Details from a Structural Engineer are to be submitted to the Certifier (Council or a Registered Certifier) for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the issue of a construction certificate.

[PCC0935]

26. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or neighbouring private property or within 200mm of the subject site's property boundary, without prior consent from Council or the applicable neighbouring property owner being obtained. If the land is owned by Council, approval is required from the General Manager or his delegate.

Prior to the issue of a Construction Certificate for the basement, the Proponent must enter into a contract regarding liability for the ground anchors and lodge an application under Section 138 of the Roads Act (with applicable fee) plus a bond for each road frontage (as per Council's current fees and charges). This bond will be refunded upon the removal of the ground anchors to the satisfaction of Council. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

[PCC0955]

27. Permanent stormwater quality treatment shall be provided in accordance with the following:
- a) The Construction Certificate Application as applicable to each stage of the development shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*.
 - c) The stormwater and site works may incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.

d) Specific Requirements to be detailed within the Construction Certificate application include:

- i. Shake down area shall be installed within the property, immediately prior to any construction vehicles entering or exiting the site, prior to any earthworks being undertake.
- ii. Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- iii. Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

28. Erosion and Sediment Control for each stage of the development shall be provided in accordance with the following:

- (a) The Construction Certificate Application as applicable to each stage of the development must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

29. The development is required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by the property owner. Applications for the bulk water meter shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

[PCC1185]

30. Before the issue of a Construction Certificate, as applicable to each stage of the development, a Section 68 application shall be submitted together with any prescribed fees (including inspection fees) and approved by Council for works that involve any of the following:

- Any water, sewerage, on site sewerage management system, or stormwater drainage works;
- Installation of stormwater treatment and quality control devices;and

Any works that are likely to disturb or impact upon water, sewer or drainage

infrastructure (e.g., extending, relocating or lowering of pipeline).

For avoidance of doubt, this condition does not require a section 68 application to be made for works that do not require approval under section 68 of the *Local Government Act 1993*.

[PCC1195]

31. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

32. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier (Council or a Registered Certifier) prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer. For avoidance of doubt, this condition does not require a section 68 application to be made for works that do not require approval under section 68 of the *Local Government Act 1993*.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

33. Prior to the issue of a Construction Certificate for each stage of the project, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Certifier (Council or Registered certifier). The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plan (DIPBR, 2004) and the Construction Noise Management Plan (Ref: 2022017 R02B) prepared by Acoustic Works and dated 5 June 2024. A copy of the approved plan shall be submitted or Council. The Plan shall address, but not be limited to the following matters where relevant:

- a) Hours of work;
- b) Contact details of site manager;
- c) Complaints management procedure;
- d) Noise and vibration management;
- e) Dust management;
- f) Construction waste management;
- g) Erosion and sediment control;
- h) The Proponent shall submit a copy of the approved plan to Council.

[PCCNS01]

34. The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within 'Proposed Residential Development, 13-19 Enid Street, Tweed Heads, ACOUSTIC REPORT prepared by Acoustic Works and dated 13 February 2024 (reference: 2022017 R01C 13-19 Enid Street, Tweed Heads

ENV.docx)' have been incorporated into the design. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of Council's General Manager or delegate prior to the Construction Certificate being issued.

[PCCNS01]

35. If the development is likely to disturb or impact upon surrounding electrical supply authority infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier (Council or a Registered Certifier) prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

The arrangements and costs associated with any adjustment to the surrounding electrical supply authority infrastructure shall be borne in full by the applicant/developer.

[PCCNS02]

36. The new stormwater inlet pit as detailed in the 'Stormwater Layout Plan' prepared by Van der Meer Consulting dated 31/5/2024 revision E is to be piped to the existing stormwater manhole located opposite the development on Enid Street to avoid excess stormwater flow onto Enid Street. Engineering detail including accurate level information is to be provided in the Section 68 stormwater application.

[PCCNS03]

37. The basement car parking levels are to comply with Stormwater Quality requirements as per Council's Development Design Specification D7 - Stormwater Quality. The Section 68 stormwater application is to include an updated stormwater management plan which also addresses stormwater quality requirements for all car parking basement levels. The amended stormwater management plan is to demonstrate compliance with D7 - Stormwater Quality.

[PCCNS03]

38. An application is to be submitted under s138 Roads Act for the driveway access indicating a minimum width at the property boundary of 6.0m and splaying to 9m at the kerb.

[PCCNS04]

39. Prior to the issue of a Construction Certificate, the submission of a Streetscape Landscaping Plan is required for approval by the Manager Parks and Active Communities or delegate. The Streetscape Landscaping Plans are to form part of the s138 application. The plans must detail the works within the road reserve required to:

- integrate into the existing infrastructure and services;
- feature a material and colour palette consistent with streetscape works of the area where appropriate or an adopted streetscape masterplan for the area;
- provide continuous and legible pedestrian access that complies with AS1428.1. This may require works beyond the immediate frontage of the development site.
- Include a minimum of four (4) street trees within the road reserve, advanced 80 Litre stock size with all vegetation types to be 100% locally occurring Australian native species and no environmental weed species;

- Include embellishments for public use consistent with Council's Development Design Specifications and Standard Drawings.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

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

[PCW0005]

41. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

42. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or a registered certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifier of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

43. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifier" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

44. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

45. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

46. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2021**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has

been completed.

[PCW0255]

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

[PCW0665]

48. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:

- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building / property from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
- (b) The person must, 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 to the owner of the proposed work.

[PCW0765]

49. A Dilapidation Report detailing the current general condition (including the structural condition) of the adjoining buildings/sites, infrastructure and driveways is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report (supported by recent photos) is to be submitted to and accepted by the Principal Certifier prior to commencement of ANY works on the site. Where a neighbouring landowner has not permitted access to their property, despite a reasonable request, the Principal Certifier may permit the omission of that property from the Dilapidation Report.

[PCW0775]

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

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

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

[PCW0985]

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

[PCW1065]

52. 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 (or modification of the existing) driveway access (or modification of access).

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.

[PCW1170]

53. On completion of remediation and validation works, and prior to commencement of construction works or issue of occupation certificate, a site remediation and validation report, and where required Environmental Management Plan, prepared by a suitably qualified environmental consultant in accordance with NSW Environment Protection Authority (EPA) contaminated land statutory guidelines shall be submitted to the satisfaction of Council's General Manager or delegate, and where required a NSW EPA Accredited Site Auditor, confirming that the site is suitable for the proposed use. The report must be accompanied by the Contamination Report Summary Table available at <https://www.tweed.nsw.gov.au/ContaminatedLand>.

[PCWNS01]

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

[PCWNS01]

DURING CONSTRUCTION

55. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

56. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the NSW Department of Climate Change, Energy, the Environment and Water. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974 (work may recommence in the affected area(s) if the NSW Department of Climate Change, Energy, the Environment and Water advises that such an investigation and/or approval is not required).

[DUR0025]

57. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:
- Monday to Friday from 7.00am to 6.00pm
- Saturday 8am to 1pm
- No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work.
- [DUR0205]
58. The development shall be carried out in accordance with current NSW Environment Protection Authority construction noise guidelines. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment during demolition and construction works.
- [DUR0215]
59. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or delegate so as to prevent the emission of offensive noise as a result of their operation.
- [DUR0225]
60. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or delegate prior to installation and shall include a water sampling outlet.
- [DUR0235]
61. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Director Planning & Regulation.
- [DUR0255]
62. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).
- [DUR0375]
63. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
- [DUR0395]
64. The Principal Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.
- [DUR0405]

65. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW requirements and *Work Health and Safety Regulation 2017*.

[DUR0415]

66. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

67. To ensure that the basement car park is correctly positioned on the site, a report prepared by a registered surveyor is to be submitted to the Principal Certifier at footings/formwork stage and at the completion of the structures indicating that the basement car park has been correctly positioned on the site in accordance with the approved development consent plans and consent conditions and has been located clear of any easements/sewer main.

[DUR0495]

68. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601: 2001 - The Demolition of Structures and the relevant requirements of SafeWork NSW and the *Work Health and Safety Regulation 2017*. The proponent shall also observe the relevant guidelines by NSW Environment Protection Authority (EPA) and SafeWork NSW.

[DUR0645]

69. The use of vibratory compaction equipment, including high impact methods, (other than hand held devices) within 100m of any existing dwelling house, building or structure is strictly prohibited.

[DUR0815]

70. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of by the Director Planning & Regulation.

[DUR0985]

71. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate, as applicable to each stage of the development, as applicable to each stage of the development.

[DUR0995]

72. All work associated with this approval is to be carried out so as to minimise impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

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

[DUR1005]

73. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
[DUR1025]
74. Landscaping of the site shall be carried out in accordance with the submitted/approved Landscaping Plans.
[DUR1045]
75. All works shall be carried out in accordance with the 'Acid Sulfate Soils Management Plan prepared by Pacific Geotech dated August 2024 (REF: PG-5601)' or to the satisfaction of the Director Planning & Regulation.
[DUR1065]
76. Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the *Public Health Act 2010* shall be installed in accordance with the requirements of Part 2 - Legionella Control of the *Public Health Regulation 2022*.
[DUR1645]
77. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
[DUR1795]
78. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
[DUR1875]
79. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.
[DUR2015]
80. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.3 - 2010 & AS 1926.2-2007, the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.
 - (b) The proposed BBQ shall not be located inside the swimming pool barrier
 - (c) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - (d) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

- (e) Warning notices are to be provided in accordance with Part 3 of the Swimming Pools Regulation 2008.
- (f) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

81. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

82. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

83. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]

84. During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all s68h2 permanent Stormwater Quality Control Devices, prior to backfilling, as applicable to each stage of the development. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

85. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

86. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

87. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

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

[DUR2525]

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

[DUR2535]

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

[DUR2545]

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

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

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

[DUR2555]

92. The Applicant shall submit and obtain approval for a property service and/or water meter for the proposed development on the amalgamation of existing Lots 8,9 10 and 11 on DP224382, from the existing water main in Enid Street. The connection shall be undertaken by Tweed Shire Council, with all the applicable costs and application fees paid by the applicant.

[DUR2800]

93. Swimming pool pumps, air conditioning units, heat pump water systems, and the like shall be located, installed, and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the *Protection of the Environment Operations Act 1997*.

[DUR2835]

94. At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- name;
- address;
- contact telephone number;
- licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor;
- the contact telephone number of Council; and
- the contact telephone number of SafeWork NSW (13 10 50).

[DUR2840]

95. All remediation and validation works are to be carried out in accordance with the 'Remediation Action Plan & Validation Sampling and Analysis Quality Plan, 13-19 Enid Street, Tweed Heads prepared by Range Environmental Consultants, dated 30 August 2023 (reference: J001524_RAP & VSAQP_V1)', NSW Environment Protection Authority (EPA) contaminated land statutory guidelines, and where required Interim Site Audit Advice. Any variation to the proposed remediation strategy shall be approved in writing by the Director Planning & Regulation, and where required a NSW EPA Accredited Site Auditor, prior to the commencement of such work.

[DURNS01]

96. All works shall be carried out in accordance with the 'Dewatering Management Plan Report (Reference: PG-5601) prepared by Pacific Geotech dated February 2024'.

[DURNS01]

97. All waste material removed from or imported to the site is managed in accordance with the following requirements:

- All excavated material removed from the site has been classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility.
- All fill material imported to the site must be:
 - Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, and/or
 - A material identified as being subject to a resource recovery exemption by the NSW EPA.

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

[DURNS01]

98. The importation of any of the following fire ant carrier material from invasive ant biosecurity zones must be in accordance with the current NSW Biosecurity orders available at www.dpi.nsw.gov.au <<http://www.dpi.nsw.gov.au>> and meet the requirements of NSW Department of Primary Industries:

- organic mulch, compost, growing media, manure, soil and anything with soil on it, hay, chaff, or silage;
- potted plants;
- turf;
- agricultural equipment or earth-moving equipment;
- mining and quarrying materials;
- grass;
- vegetation and clippings; or
- other fire ant carrier material identified within the order.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with the relevant form and/or certificate as identified within the order. All material shall meet the requirements of the relevant form/certificate.

It is an offence under the *Biosecurity Act 2015* if this material comes from within

5 kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the order.

[DURNS01]

99. The Applicant shall submit and obtain approval for a sewer junction for the proposed development on the on the amalgamation of existing Lots 8,9 10 and 11 on DP224382, from the existing sewer mains in proximity to the subject sites. The connection may be undertaken by Tweed Shire Council or Private Civil Contractor, with all the applicable costs and application fees paid by the applicant.

[DURNS01]

100. Inspection of s68h2 permanent Stormwater Quality Control Device

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 Division to arrange a suitable inspection.

[DURNS02]

101. Appropriate signage/warning devices be installed at the entrance to the carpark as per AS2890.1 in relation to headroom clearances.

[DURNS03]

102. Encroachment of the development into Council land during construction or access via Council land during construction or ongoing is prohibited unless otherwise approved by Council in writing. No fencing, storage of material, plant or equipment or the like is permitted on public land. No earthworks or retaining structures are permitted on public land.

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

103. Prior to issue of an Occupation Certificate, for each stage of the development, all works/actions/inspections etc. required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

104. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

105. An occupation certificate is not to be issued until a fire safety certificate has been issued for the building to be the subject of the certificate to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

106. A Partial or Whole Occupation Certificate is to be obtained prior to the Occupation or the commencement of the use of the building.

Within 5 years from the date of issue of any Partial Occupation Certificate for part of a building an Occupation Certificate for the "Whole Building" must be applied for and obtained from the nominated Principal Certifying Authority.

[POC0355]

107. Prior to the issue of an occupation certificate for each stage of the development, adequate proof and/or documentation is to be submitted to the Principal Certifier to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

108. All landscaping work is to be completed in accordance with the approved plans as applicable to each stage of the development, prior to the issue of a Whole Occupation Certificate for the building for each stage.

[POC0475]

109. Prior to the issue of an Occupation Certificate for each stage of the development, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all works required under Section 138 of the Roads Act 1993, as applicable to each stage of the development.

[POC0745]

110. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

111. Upon completion of all works on the site and prior to the issue of an Occupation Certificate for Stage 1, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the condition including the structural condition of the adjoining buildings/sites, infrastructure and roads. The dilapidation reports shall take into consideration the findings of the original reports and advise if any damages have occurred that could be attributed to the work the subject of this development consent. If damages have occurred the Principal Certifier is to be provided with evidence that the damages have been satisfactorily repaired prior to the issue of an Occupation Certificate. Where a neighbouring landowner has not permitted access to their property, despite a reasonable request, the Principal Certifier may permit the omission of that property from the Dilapidation Report.

A copy of the dilapidation report is to be provided to the Principal Certifier/Council.

[POC0825]

112. The lots are to be consolidated into one lot under one title. The plan of consolidation shall be registered with NSW Land Registry Services (formerly Land and Property Information (LPI)), prior to issue of an Occupation Certificate for Stage 1. This condition does not prevent the strata or stratum subdivision of the site, either before or after the issue of an Occupation Certificate (provided that such a subdivision is the subject of a separate development consent or complying development certificate).

[POC0855]

113. Upon completion of the pool the builder is to submit to the Principal Certifier a certificate stating that the "Water Recirculation System" has been installed in accordance with AS 1926.3-2010.

[POC0905]

114. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices, as applicable to each stage of the development.

[POC0985]

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

[POC1045]

116. Prior to the issue of a Whole Occupation Certificate, all conditions of consent are to be met.

[POC1055]

117. The swimming pool or spa is required to be registered at www.swimmingpoolregister.nsw.gov.au prior to the issue of any occupation certificate for the swimming pool or spa.

[POC1100]

118. 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 Council's Development Design and Construction Specifications, prior to the issue of an Occupation Certificate, as applicable to each stage of the development.

[POCNS01]

119. Prior to the issue of an Occupation Certificate, a "Certificate of Practical Completion" shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act, as applicable to each stage of the development.

[POCNS02]

120. In conjunction with consolidation of the site into a single allotment, the creation of easements and restrictions as to user, and/or Positive Covenants as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Creation of an easement (3m minimum) over the existing sewer infrastructure within the site, to the satisfaction of Council.

[POCNS03]

121. A Certificate of Compliance under Sections 305, 306 and 307 of the Water Management Act 2000, for each stage of the development, 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.

[POCNS04]

122. Before the issue of an Occupation Certificate for Stage 1, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all

s68h2 permanent Stormwater Quality Control Devices.

[POCNS05]

123. All landscaping and streetscaping works shall be completed in accordance with the approved detailed plan of streetscaping and landscaping prior to the issue of an occupation certificate and be maintained at all times to the satisfaction of Council's General Manager or delegate.

[POCNS05]

124. Creation of applicable 88B Instrument - maintenance of stormwater management system

Prior to the issue of an Occupation Certificate for Stage 1 of the development, The creation of Easements for services, Rights Of Carriageway and Restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

The creation of a Positive Covenant and associated Restriction on Title relevant to the proposed stormwater quality treatment device/s.

Positive Covent over the subject land for the perpetual maintenance requirements associated with the stormwater quality treatment device/s. A detailed site-specific Maintenance Schedule is to be produced by the designer and must form part of the Positive Covenant.

A Restriction As To User to ensure the stormwater quality treatment device/s is not altered or prevented from operating in a safe and efficient manner.

- The creation of a Positive Covenant relevant to all water quality control devices/s on the site, to ensure a perpetual maintenance regium is implemented. All such features are to have a maintenance schedule prepared by the installer/manufacture and included in the Positive Covent.

[POCNS05]

USE

125. The use to be conducted so as not to cause unreasonable disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

126. All air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised.

Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of Council's General Manager or delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

127. All externally mounted artificial lighting, including security lighting, shall comply with Australian Standard AS4282:2019 *Control of the obtrusive effects of outdoor lighting* and be shielded to the satisfaction of Council's General Manager or delegate where necessary or required to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. Externally

mounted lighting shall not spill beyond the boundary of the site.

[USE0225]

128. The development shall be carried out in accordance with the provisions of the 'Proposed Residential Development, 13-19 Enid Street, Tweed Heads, ACOUSTIC REPORT prepared by Acoustic Works and dated 13 February 2024 (reference: 2022017 R01C 13-19 Enid Street, Tweed Heads ENV.docx)' or to the satisfaction of Council's General Manager or delegate.

[USE0305]

129. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

130. Landscaping must be maintained and kept in good condition in perpetuity for the life of the development the subject of the development consent, and generally be in accordance with the approved landscaping plan for the life of the development.

[USE0745]

131. Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the *Public Health Act 2010* shall be operated and maintained in accordance with the requirements of Part 2 - Legionella Control of the *Public Health Regulation 2022*.

[USE0945]

132. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE1305]

133. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the *Protection of the Environment Operations Act 1997*.

[USE1510]

134. Upon receipt of a lighting complaint that Council deems to be reasonable, the operator may be required to cease the lighting show and/or submit to Council a lighting impact study prepared by a suitably qualified consultant that considers AS4282 and includes recommendations for light attenuation for implementation by the operator.

[USENS01]

135. All waste shall be collected, stored and disposed of in accordance with the Amended Site Waste Minimisation and Management Plan prepared by Zone Planning and dated 29 May 2024.

[USENS02]

GENERAL TERMS OF APPROVAL UNDER THE WATER MANAGEMENT ACT 2000 (Water Supply Work)
Dewatering

GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must:

1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity.

Advisory Note:

3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.

Advisory Notes:

1. This approval is not a water access licence.
2. A water year commences on 1 July each year.
3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
4. Note that certain water sources may be exempted from this requirement - see paragraph 17 A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21 (6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and

- (b) record the take of water not later than 24 hours after water is taken, and
- (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
- (d) keep the record for a period of 5 years, and
- (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
 - (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
 - (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001 The design and construction of the building must prevent:

- (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
- (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0121-00001 Construction phase monitoring bore requirements GTA:

- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
- b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
- c) The monitoring bores must be installed and maintained as required by the water supply work approval.
- d) The monitoring bores must be protected from construction

damage.

GT0122-00001 Construction Phase Monitoring programme and content:

a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.

ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;

iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;

iv. QA: Include details of quality assurance and control

v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.

b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.

(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):

1) All results from the Approved Monitoring Programme; and

2) Any other information required on the WaterNSW

completion report form as updated from time to time on the WaterNSW website.

(c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering

GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following:

- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation
- Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))
- Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval):

- a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.
- b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).

c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report. The reasons for refusal are as follows: