

29 August 2011

Bruce Lynton Pty Ltd  
C/- Storey and Castle Planning Pty Ltd  
Suite 12/1 Nerang Street  
NERANG QLD 4211

Dear Sir/Madam

**Section 96 Application DA10/0707.01 - amendment to development consent DA10/0707 for proposed mixed use motor showroom car repair station and commercial premises - staged development (JRPP) at Lot 16 Section 4 DP 2379; Lot 1 DP 1014402 No. 169-171 Wharf Street & Lot 20 Section 4 DP 2379 No. 58 Recreation Street, TWEED HEADS**

Reference is made to your application regarding the above. Please find enclosed Amended Consent DA10/0707. The consent has been amended as follows:

1. Delete condition No. 1 and replace with condition No. 1A as follows:
  - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No's:
    - **SK-6.1 (Rev DA4)**: Basement Floor Plan – Stage 1, prepared by Burling Brown Architects and dated **7 June 2011**;
    - **SK-6.2 (Rev DA7)**: Ground Floor Plan – Stage 1, prepared by Burling Brown Architects and dated **18 August 2011**;
    - **SK-6.3 (Rev DA3)**: Level One Floor Plan – Stage 1, prepared by Burling Brown Architects and dated **18 August 2011**;
    - **SK-6.4 (Rev DA3)**: Elevations 1 of 2 – Stage 1, prepared by Burling Brown Architects and dated **3 August 2011**;
    - **SK-6.5 (Rev DA2)**: Elevations 2 of 2 – Stage 1, prepared by Burling Brown Architects and dated 10 February 2011;
    - **SK-6.6 (Rev DA)**: Roof Plan – Stage 1, prepared by Burling Brown Architects and dated 9 February 2011;
    - **SK-7.1 (Rev DA4)**: Basement Floor Plan – Future Stage (as amended in red), prepared by Burling Brown Architects and dated **7 June 2011**;
    - **SK-7.2 (Rev DA4)**: Ground Floor Plan – Future Stage, prepared by Burling Brown Architects and dated **18 August 2011**;
    - **SK-7.3 (Rev DA4)**: Level One Floor Plan – Future Stage (**as amended in red**), prepared by Burling Brown Architects and dated **18 August 2011**;
    - **SK-7.4 (Rev DA)**: Level Two Floor Plan – Future Stage, prepared by Burling Brown Architects and dated 29 September 2010;
    - **SK-7.5 (Rev DA)**: Level 3-5 Typical Floor Plan – Future Stage, prepared by Burling Brown Architects and dated 29 September 2010;

- **SK-7.6 (Rev DA2):** Elevations 1 of 2 – Future Stage, prepared by Burling Brown Architects and dated 10 February 2011;
  - **SK-7.7 (Rev DA2):** Elevations 2 of 2 – Future Stage, prepared by Burling Brown Architects and dated 10 February 2011;
  - **SK-7.8 (Rev DA2):** Sections, prepared by Burling Brown Architects and dated 9 February 2011;
  - **SK09:** Premium Selection Pylon Signage, prepared by BMW Australia Pty Ltd and dated 11 November 2004;
  - **SK10:** BMW Dealership Flagpoles, prepared by BMW Australia Pty Ltd and dated 27 October 2003;
  - **SK10:** Dealer Name Sign, prepared by BMW Australia Pty Ltd and dated 30 August 2010;
  - **SK12:** P5 Pylon Sign, prepared by BMW Australia Pty Ltd and dated 8 September 2010;
- except where varied by the conditions of this consent.

2. Delete condition No. 21 and replace with condition No. 21A as follows:

21A. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of **RL 2.6m AHD** in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. This immunity shall be provided at all accesses including external stairs to the basement car park. The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (onsite and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.

3. Delete condition No. 22 and replace with condition No. 22A as follows:

22A. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of **RL 2.6m AHD**.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

**2011** and referenced ADG151.10.

6. Delete condition No. 114 and replace with condition No. 114A as follows:  
  
114A. All site dewatering operations shall be carried out in accordance with the provisions of the Acid Sulphate Soil and Dewatering Management Plan prepared by ADG Consulting dated **June 2011** and referenced ADG151.10.
7. Delete condition No. 21 of the *General Terms of Approval for a License under the Water Act* and replace with the following Condition 21A:  
  
21A. The maximum term of this licence shall be **twelve (12) months**.
8. Delete condition No. 22 of the *General Terms of Approval for a License under the Water Act* and replace with the following Condition 22A:  
  
22A. The volume of groundwater extracted from the work authorised by this licence shall not exceed **99 megalitres** for the term of the licence.
9. Delete condition No. 25 of the *General Terms of Approval for a License under the Water Act* and replace with the following Condition 25A:  
  
25A. The work shall be managed in accordance with the constraints set out in acid sulfate soil management plan and dewatering management plan, dated **June 2011** by ADG Consulting.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

**Rowena Michel**  
Coordinator Development Assessment

Enc

**AMENDED CONSENT ISSUED 29/8/2011**

**NOTICE NO. DA10/0707**  
**Environmental Planning and Assessment Act 1979**

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

To: Bruce Lynton Pty Ltd  
PO Box 430  
SOUTHPORT QLD 4215

Pursuant to Section 81(1)(a) of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA10/0707** relating to land described as:-

**Lot 16 Section 4 DP 2379; Lot 1 DP 1014402 No. 169-171 Wharf Street & Lot 20 Section 4 DP 2379 No. 58 Recreation Street, TWEED HEADS**

to be developed in accordance with plans and details submitted for the purpose of –

**PROPOSED MIXED USE MOTOR SHOWROOM CAR REPAIR STATION AND  
COMMERCIAL PREMISES - STAGED DEVELOPMENT (JRPP)**

The Development Application has been determined by the granting of consent subject to the conditions described below:-

**GENERAL**

**1. DELETED**

1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No's:

- **SK-6.1 (Rev DA4)**: Basement Floor Plan – Stage 1, prepared by Burling Brown Architects and dated **7 June 2011**;
- **SK-6.2 (Rev DA7)**: Ground Floor Plan – Stage 1, prepared by Burling Brown Architects and dated **18 August 2011**;
- **SK-6.3 (Rev DA3)**: Level One Floor Plan – Stage 1, prepared by Burling Brown Architects and dated **18 August 2011**;
- **SK-6.4 (Rev DA3)**: Elevations 1 of 2 – Stage 1, prepared by Burling Brown Architects and dated **3 August 2011**;
- **SK-6.5 (Rev DA2)**: Elevations 2 of 2 – Stage 1, prepared by Burling Brown Architects and dated 10 February 2011;
- **SK-6.6 (Rev DA)**: Roof Plan – Stage 1, prepared by Burling Brown Architects and dated 9 February 2011;
- **SK-7.1 (Rev DA4)**: Basement Floor Plan – Future Stage (as amended in red), prepared by Burling Brown Architects and dated **7 June 2011**;
- **SK-7.2 (Rev DA4)**: Ground Floor Plan – Future Stage, prepared by Burling Brown Architects and dated **18 August 2011**;

- **SK-7.3 (Rev DA4)**: Level One Floor Plan – Future Stage (*as amended in red*), prepared by Burling Brown Architects and dated **18 August 2011**;
- **SK-7.4 (Rev DA)**: Level Two Floor Plan – Future Stage, prepared by Burling Brown Architects and dated 29 September 2010;
- **SK-7.5 (Rev DA)**: Level 3-5 Typical Floor Plan – Future Stage, prepared by Burling Brown Architects and dated 29 September 2010;
- **SK-7.6 (Rev DA2)**: Elevations 1 of 2 – Future Stage, prepared by Burling Brown Architects and dated 10 February 2011;
- **SK-7.7 (Rev DA2)**: Elevations 2 of 2 – Future Stage, prepared by Burling Brown Architects and dated 10 February 2011;
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- **SK10**: Dealer Name Sign, prepared by BMW Australia Pty Ltd and dated 30 August 2010;
- **SK12**: P5 Pylon Sign, prepared by BMW Australia Pty Ltd and dated 8 September 2010;

except where varied by the conditions of this consent.

2. Submission of a further Development Application(s) for the internal fitout for Stage 2 of the development, such to be approved by Council prior to their use or occupation.
3. Any additional advertising structures/signs from those approved by this consent are to be the subject of a separate development application (where statutorily required). [GEN0055]
4. All illuminated advertising signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts. [GEN0065]
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0075]
6. 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. [GEN0115]
7. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material. [GEN0135]  
 Should adjustments be required to the sewer manhole, then application shall be made to Council's Community and Natural Resources Division for approval of such works. [GEN0155]
8. 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 the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

9. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.
10. All loading and unloading of motor vehicles is to occur on site and not in adjoining streets or road reserve. [GEN0265]
11. Service and delivery vehicles for Stage 1 of the development must not exceed the size of a medium rigid vehicle (MRV) as defined in AS2890 - Parking Facilities Part 2: Off street commercial vehicle facilities; these dimensions being a width of 8.8m and length of 2.5m. [GENNS01]
12. Prior to the commencement of dewatering operations an examination of the quantity of pre-existing sediment within the stormwater drainage network that is intended to receive the de-watering discharge shall be undertaken by methods considered acceptable to Council's Stormwater Maintenance Engineer. Closed circuit television (CCTV) footage and a report of the findings of the examination shall be provided to Council's Stormwater Maintenance Engineer prior to the commencement of de-watering operations. [GENNS02]
13. Prior to the commencement of dewatering operations the applicant or their nominated representative shall consult with Council's Stormwater Maintenance Engineer in respect to the most appropriate method of connection of the de-watering system to Council's stormwater drainage system. The applicant or their nominated representative shall comply with any and all directions as may be provided by Council's Stormwater Maintenance Engineer. [GENNS03]
14. Staging of the development (Stages 1 & 2) shall be in accordance with the approved plans. [GENNS04]
15. Waste management on the site shall be carried out in accordance with the approved Waste Management Plan prepared by HMC Pty Ltd, dated October 2010, reference number 2010.117. [GENNS05]

[GENNS06]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **16. 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, a Construction Certificate shall NOT be issued by a Certifying Authority 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.

### **Stage 1**

- (a) Tweed Road Contribution Plan:  
 46.8 Trips @ \$656 per Trips \$30701  
 (\$596 base rate + \$60 indexation)  
 S94 Plan No. 4  
 Sector1\_4

### **Stage 2**

- (a) Tweed Road Contribution Plan:  
 570.3984 Trips @ \$656 per Trips \$374181  
 (\$596 base rate + \$60 indexation)  
 S94 Plan No. 4  
 Sector1\_4
- (b) Extensions to Council Administration Offices  
 & Technical Support Facilities  
 0.615 ET @ \$1759.9 per ET \$1082.34  
 (\$1759.9 base rate + \$0 indexation)  
 S94 Plan No. 18

[PCC0215]

## 17. 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, a Construction Certificate shall NOT be issued by a Certifying Authority 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.

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.

### **Heavy Haulage Component**

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution shall be based on the following formula:-



$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$  heavy haulage contribution

and:

Prod.                projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist.                average haulage distance of product on Shire roads  
(trip one way)

$\text{\$Unit}$              the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin.             Administration component - 5% - see Section 6.6

18. **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. [PCC0225/PSC0185]

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority 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:

### Stage 1

|               |                           |           |
|---------------|---------------------------|-----------|
| Water DSP4:   | 4.528 ET @ \$11020 per ET | \$49898.6 |
| Sewer Banora: | 8.198 ET @ \$5295 per ET  | \$43408.4 |

### Stage 2

|               |                             |            |
|---------------|-----------------------------|------------|
| Water DSP4:   | 23.9316 ET @ \$11020 per ET | \$263726.2 |
| Sewer Banora: | 35.5974 ET @ \$5295 per ET  | \$188488.2 |

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

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.

**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.



[PCC0265]

19. All earthworks shall be graded at a minimum of 1% so that the site drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

20. A detailed plan of landscaping (for Stages 1 & 2) containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate for each stage. The plan must also detail landscape treatment (including species, edges material finishes etc).

[PCC0585]

## 21. **DELETED**

- 21A. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of **RL 2.6m AHD** in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. This immunity shall be provided at all accesses including external stairs to the basement car park. The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (onsite and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.

## 22. **DELETED**

- 22A. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a)---Design flood level of **RL 2.6m AHD**.
- (b)---All building materials used below Council's design flood level must not be susceptible to water damage.
- (c)---Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d)---Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

23. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access
- (b) A 100mm thick reinforced concrete footpath to a minimum width of 1.2m is required around the entire frontage of the site.

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

[PCC0895]

- 24. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority 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 determination of a construction certificate.

[PCC0935]

- 25. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

- 26. Any sheet piling that utilises ground anchors that extend under public roads or land must not be used unless the applicant or owner enter into a contract regarding liability for the ground anchors and lodges an application under Section 138 of the Roads Act together with an application fee of \$10,000 and a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors. 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 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 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 vehicle entering or existing the site prior to any earthworks being undertaken.
  - (ii) Runoff from 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 Specifications 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 the 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 shall be provided in accordance with the following:
- (a) The Construction Certificate Application 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. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Any individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

**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.

[PCC1185]

30. Prior to the issue of a Construction Certificate, applications shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any of the following works including (but not limited to):
- a. water;
    - Disconnection of existing water meters and provision of a Bulk meter. The meter is to be installed by Council at the Developer's expense,
  - b. sewerage, including;
    - An application shall be lodged for each stage of the development and approval is to be obtained prior to commencement of works for each stage of the proposed sewer relocation works.

- The design of the sewer shall be such that no load from the building is transferred to the sewer pipe and where the sewer penetrates the structure, suitable flexible joints shall be provided to allow differential settlement.
  - The design of the relocation shall be in accordance with the requirements of Development Design Specification D12 Sewerage Systems and Council's Sewers – Works in Proximity.
- c. drainage works, including;
- the connection of a private stormwater drain to a public stormwater drain,
  - the installation of stormwater quality control devices,
  - erosion and sediment control works.
- [PCC1195]
31. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.
- [PCC1225]
32. 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]
33. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
- [PCC1255]
34. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.
- [PCC1265]
35. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.
- [PCC1275]
36. The Construction Certificate will not be issued over any part of the site requiring a Water Act license until a copy of the license has been provided to Council.
- [PCCNS01]
37. Details of the treatment of the western wall of Stage 1 (along Recreation Street) must be submitted and be approved by Council's General Manager or his delegate prior to the issue of a construction certificate for Stage 1. The details must include the final finish in terms of colour and the chosen pattern or motif and any proposed art walls.
- [PCCNS02]
38. Detail on the proposed feature forecourt (in terms of landscaping or centre piece displays etc) is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a construction certificate for Stage 2.

## PRIOR TO COMMENCEMENT OF WORK

39. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
40. 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. [PCW0005]
41. The erection of a building in accordance with a development consent must not be commenced until: [PCW0125]
- (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 an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority 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 certifying authority 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.
42. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing. [PCW0215]
43. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be: [PCW0225]
- (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]

44. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, 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 certifying authority 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]

45. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[PCW0375]

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

[PCW0665]

47. 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]

48. Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads are to be prepared



and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to the PCA prior to commencement of ANY works on the site.

[PCW0775]

49. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

50. 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 Principal Certifying Authority.

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. Prior to the removal of any excavated acid sulphate soil from the site, the applicant shall notify council's Environmental Health Officer of the location of the off-site acid sulphate soil treatment area.

[PCWNS01]

52. Prior to demolition works being carried out on site an asbestos audit conducted by an appropriately qualified person shall be carried out to identify any asbestos containing materials that will require handling, removal and /or disposal in accordance with relevant New South Wales WorkCover requirements.

[PCWNS02]

## DURING CONSTRUCTION

53. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

### 54. **DELETED**

- 54A. The provision of **68 (Stage 1) and 178 (Stage 2)** off street car parking spaces including parking for the disabled where applicable, as well as the provision of 30 (Stage 1) and 92 (Stage 2) bike spaces. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

A. Short Term Period - 4 weeks.



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

B. Long term period - the duration.

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

[DUR0215]

57. 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 his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

58. 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 his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.

[DUR0235]

59. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

60. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.

[DUR0255]

61. 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]

62. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

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 Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal

Certifying Authority via the notice under Section 81A 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 WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[DUR0415]

66. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

67. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

68. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

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

[DUR0645]

69. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

70. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
71. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
72. 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 the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
73. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - dust during filling operations and also from construction vehicles
  - material removed from the site by wind
- [DUR1005]
74. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
75. **DELETED**
- 75A. All works shall be carried out in accordance with the Acid Sulfate Soil and Dewatering Management Plan prepared by ADG Consulting, dated **June 2011** and referenced ADG151.10.
76. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer **and** tiled to a height of at least 2 meters.
- Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.
- Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.
- All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer. [DUR1495]
77. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices. [DUR1505]

78. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
79. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Councils Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation. [DUR1545]
80. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned. [DUR1575]
81. The walls and floors of the premises must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned. [DUR1605]
82. The walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin. [DUR1615]
83. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be installed in accordance with the requirements of Part 2, Clauses 6, 7 and 8 of the Public Health (Microbial Control) Regulation 2000. [DUR1625]
84. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1645]
85. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428. [DUR1685]
86. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1695]
87. 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. [DUR1705]
88. 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). [DUR1725]

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]
89. 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]
90. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
- [DUR1905]
91. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.
- [DUR1925]
92. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.
- [DUR1955]
93. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.
- [DUR1965]
94. 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]
95. 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/demolition.
- [DUR2185]
96. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
- [DUR2205]
97. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.
- [DUR2215]
98. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

99. All stormwater from roofed and paved areas are to be connected directly into road drainage pits where available, kerb and gutter drainage canal or inter allotment drainage line where provided.
- All drainage systems shall comply with AS 3500.
- [DUR2305]
100. 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]
101. 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.
- [DUR2445]
102. 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]
103. 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 NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
104. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
105. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]
106. 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]
107. 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]
108. 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:-



- \* 43.5°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]

109. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

110. The recommendations contained in Section 7.2 of the report entitled "Supplementary Pre-demolition Investigation" prepared by ADG Consulting dated 27 January 2011 and referenced ADG151.10 shall be implemented where applicable in respect to excavation works involving sub-slab soils.

[DURNS01]

111. The recommendations contained in Section 8.2 of the report entitled "Preliminary Site Investigation" prepared by ADG Consulting dated 19 April 2010 and referenced ADG151.10 shall be implemented in respect asbestos containing building materials and the removal of all concrete slabs/bitumen and underground infrastructure during demolition works.

[DURNS02]

112. The maximum depth of excavation on site is not to extend beyond 4.0m below surface level unless an appropriately qualified environmental consultant is on site to assess any exposed soils for potential or actual acid sulphate soils. The applicant shall comply with any directions that are provided by the environmental consultant in respect to the management of any such exposed soils.

[DURNS03]

113. All excavated acid sulphate soil from the site shall be delivered to the off-site acid sulphate soil treatment facility prior to the completion of works each day.

[DURNS04]

114. **DELETED**

114A. All site dewatering operations shall be carried out in accordance with the provisions of the Acid Sulphate Soil and Dewatering Management Plan prepared by ADG Consulting dated **June 2011** and referenced ADG151.10.

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

115. Prior to issue of an occupation certificate, 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.

[POC0005]

116. 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 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

117. 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.



118. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building. [POC0225]
119. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124. [POC0245]
120. Prior to the issue of an occupation certificate, 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. [POC0625]
121. Work as executed plans are to be provided to Council in accordance with Councils Development Design Specification, D13 and a CCTV inspection of the stormwater pipes and sewerage system to be dedicated to Council as public infrastructure including joints and junctions demonstrate that the standard of the system is acceptable to Council. [POC0745]
- Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.**
122. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure. [POC0765]
123. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate for Stage 2. [POC0805]
124. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate. [POC0855]
125. 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. [POC0865]
126. 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. [POC0985]
127. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1045]
128. Documentary evidence is to be provided demonstrating that an easement (minimum 3m wide) has been created to drain sewage within a wall or floor cavity of the proposed building. The easement is to burden the subject land and Council are to be listed as the authority to modify or release the easement. [POC1055]

The wording used in the easement documentation is to be as appended below.

***“Easement for Drainage of Sewage within a Building***

1. The body having the benefit of this easement may:
  - (a) drain sewage, sullage and other fluid wastes in pipes or any other sewage infrastructure located in wall or floor cavities or within a building constructed on each lot burdened, but only within the site of this easement, and
  - (b) do anything reasonably necessary for that purpose, including:
    - entering the lot burdened, and
    - taking anything on to the lot burdened, and
    - using any existing pipes or other existing infrastructure, and
    - carrying out works, such as constructing, placing, repairing or maintaining pipes and infrastructure.
2. In exercising those powers, the body having the benefit of this easement must:
  - (a) ensure all work is done properly, and
  - (b) cause as little inconvenience as is practicable to the registered proprietor and any occupier of the lot burdened, and
  - (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
  - (d) restore the lot burdened as nearly as is practicable to its former condition, and
  - (e) make good any collateral damage but only if such damage is not related to the removal of any obstruction that impedes access to the site of the easement or the pipes and infrastructure located within the easement and where such obstruction is damaged in the course of its removal the owner or occupier of the lot burdened shall indemnify the body having the benefit of this easement against all liability relating to such damage.
3. The registered proprietor of the lot burdened indemnifies the body having the benefit of the easement against the following:
  - (a) any negligent installation or construction of pipes or infrastructure within the easement;
  - (b) any damage caused to the pipes or infrastructure through negligent acts, omissions, or accidental acts by any person not authorised by the body having the benefit of the easement or natural disasters (earthquakes, hurricanes, floods) wars, riots or other major upheaval beyond the reasonable control of the body having the benefit of the easement;
  - (c) any damage or injury to adjoining land, property or person arising from the failure of any of the pipes or infrastructure due to the negligent use or misuse of the pipes or infrastructure by the registered proprietor or occupier of the lot burdened or any person who is a servant, workman, tenant, invitee, employee or agent of the registered proprietor or occupier of the lot burdened.
4. Should any part of the pipes or infrastructure within the site of the easement be damaged by the registered proprietor or occupier of the lot burdened or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor or occupier of the lot burdened, the body having the benefit of this easement will repair the damage at the cost of the registered proprietor of the lot burdened.
5. In exercising these powers the body having the benefit of this easement is to have full and unimpeded right of vehicular or personal access to the site of the easement at any time;

- (a) *for the purposes of this easement, a reference to a body that is entitled to the benefit of this easement includes a reference to any person authorised by such a body,*
- (b) *the body entitled to the benefit of this easement has an unrestricted right of vehicular or personal access at all times to pass and repass, with or without vehicles, machinery, implements and other.”*

[POCNS01]

## USE

129. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
- [USE0125]
130. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.
- [USE0175]
131. Hours of operation of the business are restricted to the following hours:
- \* 7.00am to 6.00pm - Monday to Saturday
  - \* No operations are to be carried out on Sundays or Public Holidays
  - \* All deliveries and pickups relating to the business are to occur within the approved hours
- [USE0185]
132. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
- [USE0225]
133. The use being restricted to the floor area designated on the approved plan.
- [USE0415]
134. All loading/unloading to take place within the boundary of the subject property.
- [USE0525]
135. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.
- [USE0835]
136. The carwash bay and detailing bay is not permitted for use by the general public. The bays must only be utilised by customers having their cars serviced at the car repair station on the subject site.
- [USENS01]
137. The tandem spaces within the basement carpark for Stage 1 must be nominated and maintained for staff use only.

[USENS02]

## **GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912**

### **General Conditions (all approvals)**

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry or sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

#### **Conditions of water use (including irrigation)**

10. If and when required by the Department, suitable devices must be installed to accurately measure the quality of water extraction or diverted by the works.
11. All water measuring equipment must be adequately maintained. It must be tested as and when required by the department to ensure its accuracy.
12. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

#### **Conditions for bores and wells**

13. Works for construction of bore must be completed with such period as specified by the Department.
14. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
15. Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
16. Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that watercourse.

17. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
18. the licensee must allow authorised officers of the department, and it's authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
  - inspecting the said work
  - taking samples of any water or material in the work and testing the samples.
19. The licensee shall within 2 weeks of being notified install to the satisfaction of the department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the department. The appliance(s) shall be maintained in good working order and condition. a record of all water extracted from the works shall be kept and supplied to the department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
20. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the environment operations act 1997. A copy of the licence to discharge is to be provided to the department.
21. **DELETED**
- 21A. The maximum term of this licence shall be ***twelve (12) months***.
22. **DELETED**
- 22A. The volume of groundwater extracted from the work authorised by this licence shall not exceed ***99 megalitres*** for the term of the licence.
23. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
24. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. a copy of the records of the ph testing is to be returned with the form 'ag'.
25. **DELETED**
- 25A. The work shall be managed in accordance with the constraints set out in acid sulfate soil management plan and dewatering management plan, dated ***June 2011*** by ADG Consulting.
26. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The application was determined on: **13 April 2011**  
The consent to operate from: **21 April 2011**  
The consent to lapse on 21 April 2016 unless commenced prior to that date.

### **RIGHT OF APPEAL**

If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

### **Signed on behalf of the Tweed Shire Council**

Lindsay McGavin, Manager Development Assessment

21 April 2011