

## JOINT REGIONAL PLANNING PANEL (Northern Region)

<b>JRPP No</b>	2011NTH022
<b>DA Number</b>	DA11/0304
<b>Local Government Area</b>	Tweed Shire
<b>Proposed Development</b>	Proposed seniors living development incorporating seventy seven (77) units
<b>Street Address</b>	Lots 113-116 DP 237806 No. 6-12 Powell Street, Tweed Heads
<b>Applicant/Owner</b>	Ressen Pty Ltd
<b>Number of Submissions</b>	One
<b>Recommendation</b>	Approval with conditions
<b>Report by</b>	Seth Philbrook, Development Assessment Planner, Tweed Shire Council
<b>Report date</b>	2 April 2012

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## Assessment Report and Recommendation

**FILE NO: DA11/0304**

### **REPORT TITLE:**

Development Application DA11/0304 for seniors living - seventy seven (77) units (JRPP) at Lots 113-116 DP 237806, No. 6-12 Powell Street, Tweed Heads

### **SUMMARY OF REPORT:**

The subject development application proposes the construction of a 7 storey building, consisting of 77 self serviced units for seniors living. Sufficient car parking is provided in the form of a single level basement containing 50 resident spaces, 5 staff spaces and 9 visitor spaces and ground level parking containing 3 visitor, 1 ambulance and 1 village bus bay. Ancillary services proposed by the development for the residents include: café, bar, roof top garden containing swimming pools.

The development requests a variation to the number of storeys, with the development proposing a partial 7 storey development within a 6 storey height restricted area.

The purpose of this report is to have the application determined by the Northern Region Joint Regional Planning Panel, due to the capital investment value of the proposed development exceeding \$10,000,000. The application was lodged prior to 1 October 2011 and therefore the JRPP is the consent authority.

The proposed seniors living development is permissible with consent and considered to be of appropriate nature within the surrounding locality due to the services and facilities that will be available to its residents and considered not to create a significant adverse impact on the natural and built environment.

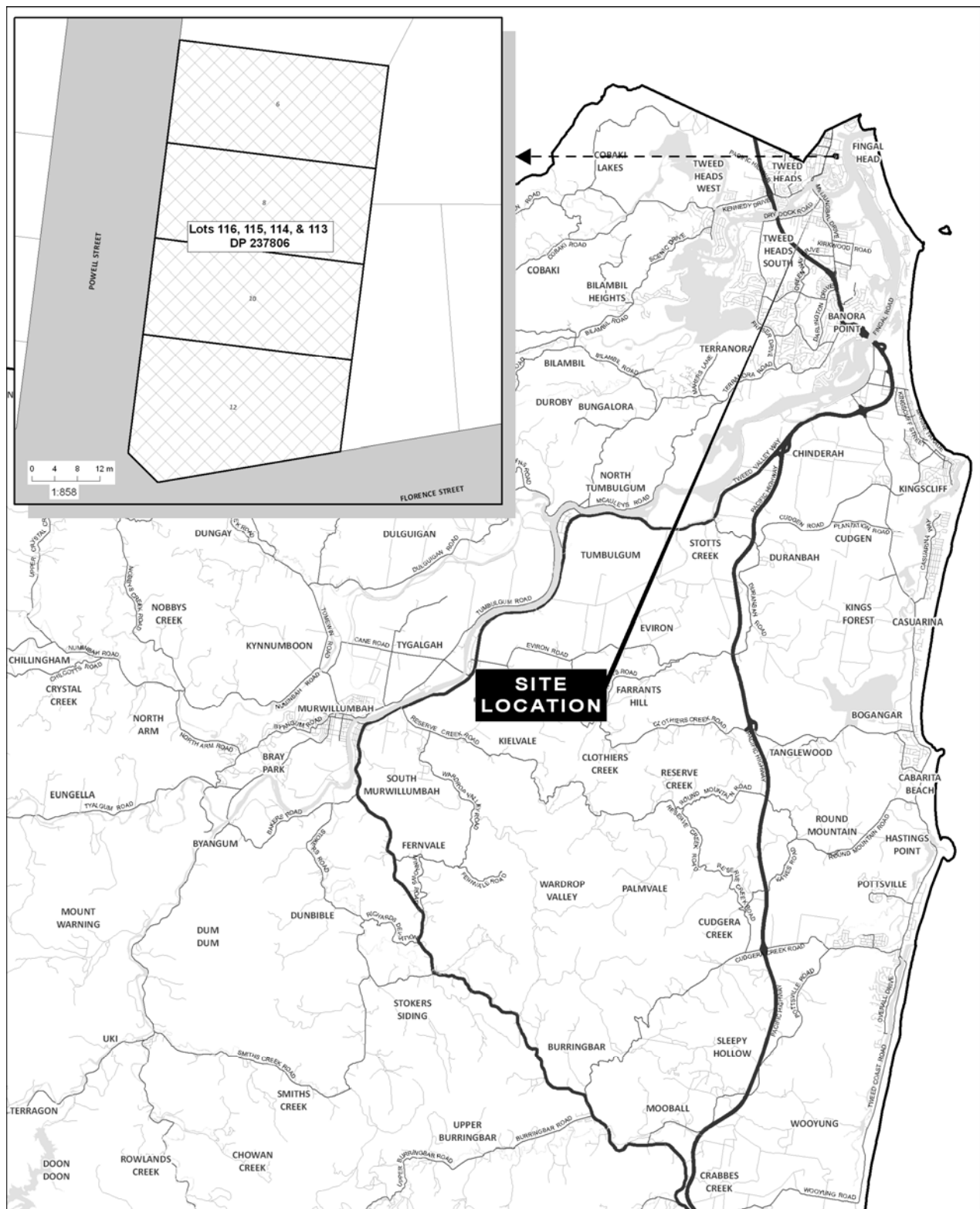
**REPORT:**

**Applicant:** Ressen Pty Ltd  
**Owner:** K and T Development Pty Ltd  
**Location:** Lots 116, 115, 114, 113 DP 237806, No. 6-12 Powell Street Tweed Heads  
**Zoning:** 2(b) Medium Density Residential  
**Cost:** \$12 500 000.00

**BACKGROUND:**

The subject development application originally proposed a 74 unit seniors living development within a 8 storey building, with a total building height of 28.30m (to the eaves). The development proposed the following services for the residents: dining/café, bar, multi function room, pool, day spa, hairdresser and roof top garden with BBQs. The applicant was advised that an 8 storey development within a 6 storey height restricted area would not likely be supported by Council. Accordingly the applicant amended the proposed development to a 7 storey (22.6m), 77 self serviced units for seniors living with ancillary services including: café, bar, roof top garden containing swimming pools.

## SITE DIAGRAM:



### Locality Plan

Lots 113 - 116 DP 237806  
6-12 Powell Street Tweed Heads

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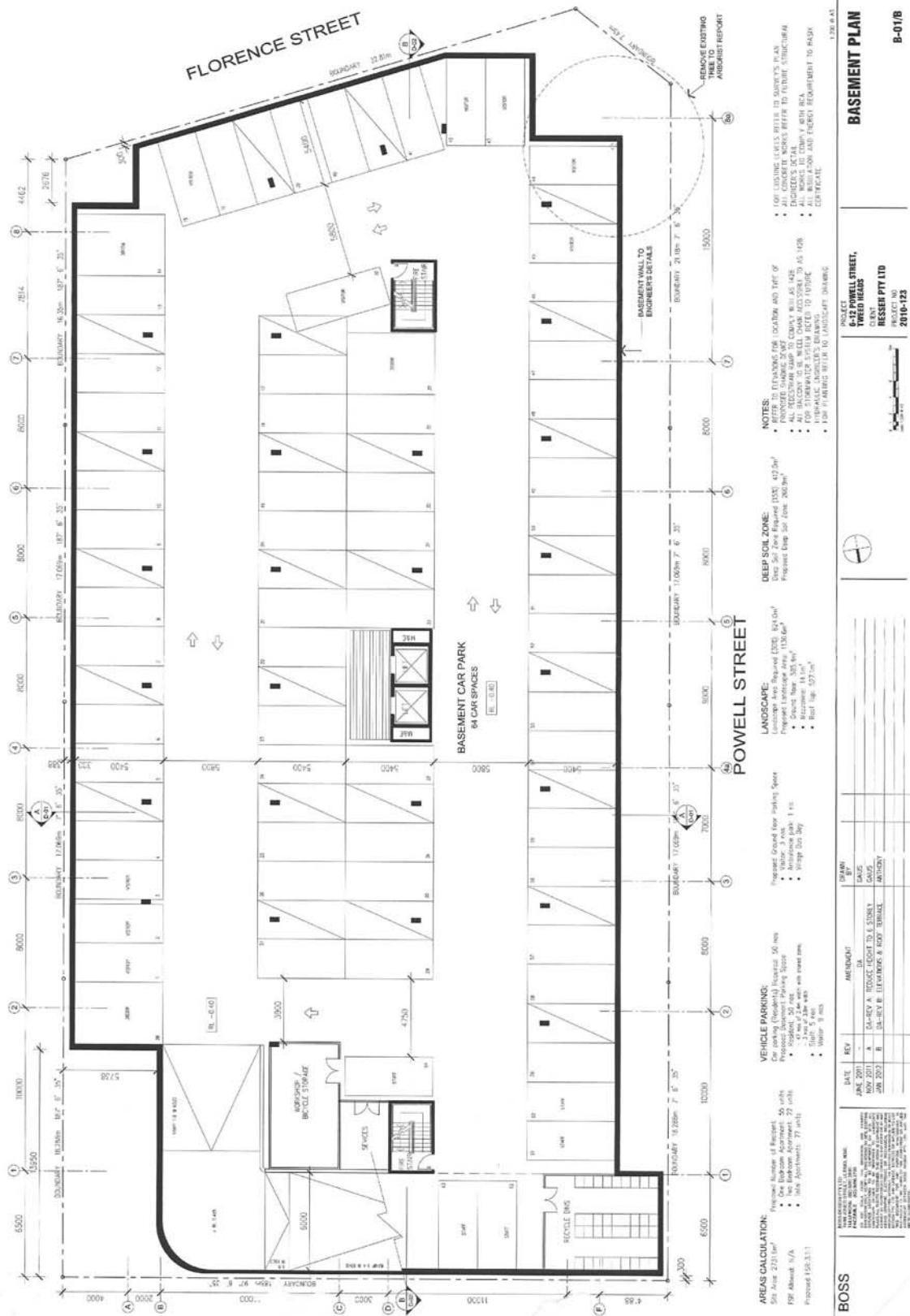
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GDA  
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3 Tumbulgum Road  
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Circle Printed: 30 March, 2012

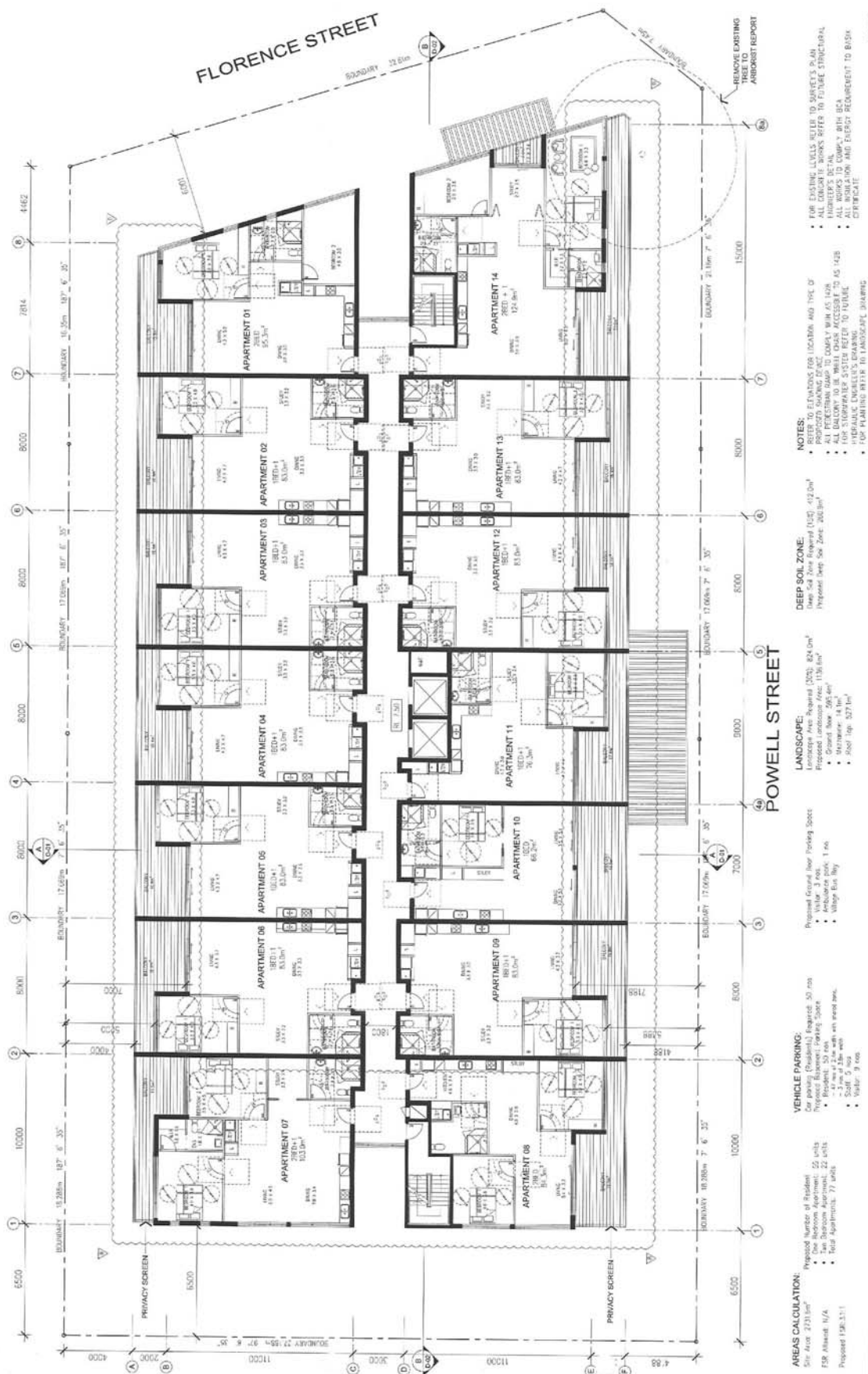
# DEVELOPMENT/ELEVATION PLANS:











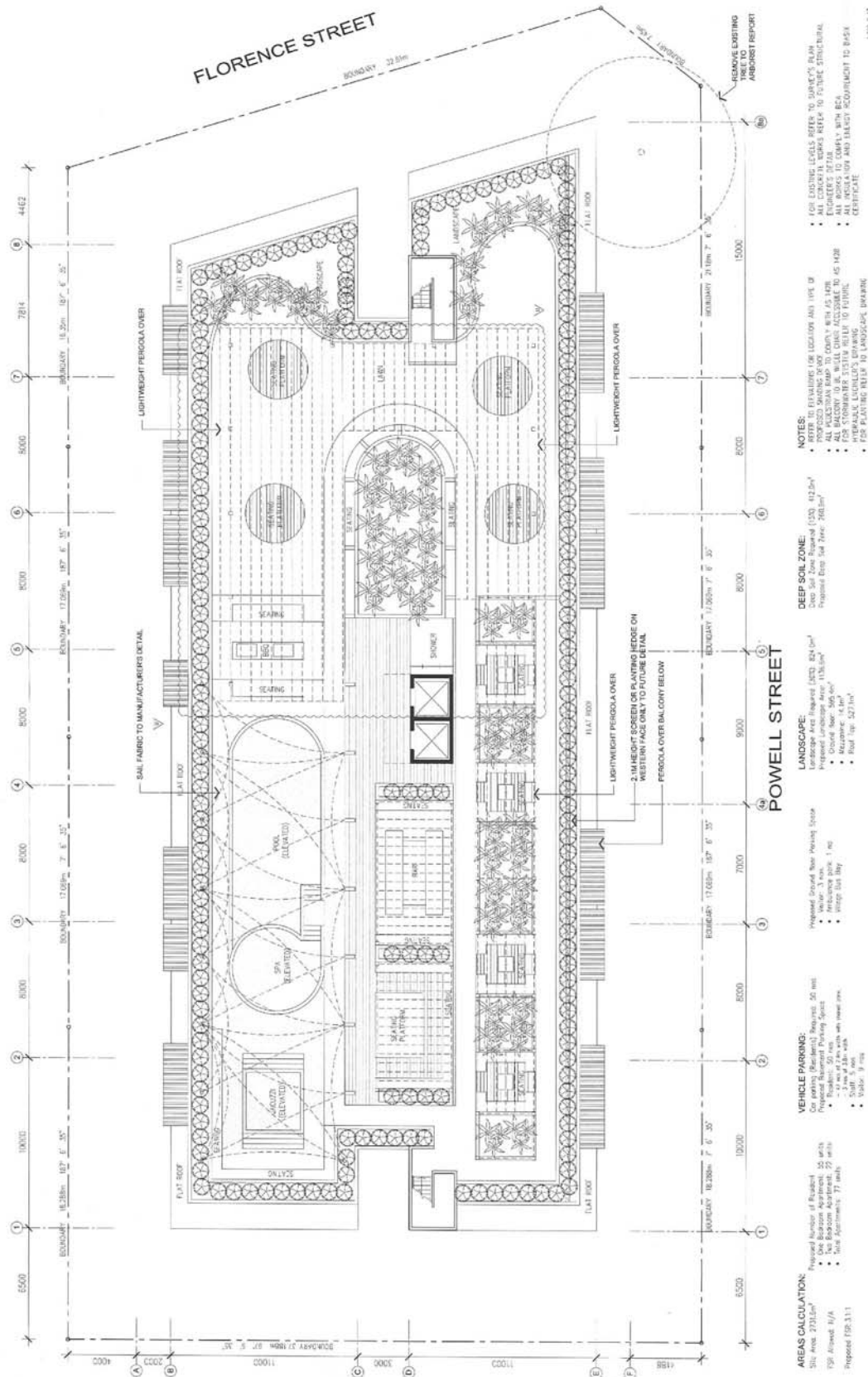




















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**NOTES:**

- REFER TO ELEVATIONS FOR LOCATION AND TYPE OF IMPROVED SHADING DEVICE
- ALL PESTICIDE RAMP TO COMPLY WITH AS 1428
- ALL BALCONY TO BE WHEEL CHAIR ACCESSIBLE TO AS 1428
- FOR STORMWATER SYSTEM REFER TO HINTS
- HYDRAULIC ENGINEER'S DRAWING
- FOR PLAYING TO LANDSCAPE DRAWING

**DEEP SOIL ZONE:**  
Deep Soil Zone Required (153): 412.0m<sup>3</sup>  
Proposed Dump Soil Zone: 360.0m<sup>3</sup>

**LANDSCAPE:**  
 Landscape Area Required: 303,824 Sm<sup>2</sup>  
 Proposed Landscape Area: 1136,6m<sup>2</sup>

- Ground Floor: 505.4m<sup>2</sup>
- Mezzanine: 14.3m<sup>2</sup>
- Roof Top: 527.1m<sup>2</sup>

- Visitor: 3 nos
- Ambulance: 1 no
- Waste Gas Bag

**VEHICLE PARKING:**  
 for parking (Residents) Required: 50 hrs  
 needed: Resident Parking Spots

- Resident: 50 hrs
  - 47 hrs of 2 hrs with shared zone.
  - 3 hrs of 3 hrs with
- Staff: 5 hrs

- One Bedroom Apartment: 45 units
- Two Bedroom Apartment: 22 units
- Total Apartments: 77 units

AREAS CALCULATION:  
Site Area: 2731.6m<sup>2</sup>  
SR Above: N/A  
Proposed FSR: 3.11

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## NORTH ELEVATION

C-03/B

POWELL STREET,  
TWEED HEADS  
CUMM  
GRESSEN PTY LTD  
PROJECT NO  
2010-123



DATE	REV	AMENDMENT	DESIGNED BY
MAY 2011	A	DA-REV A. REDUCED HEIGHT TO B. STOREY	CAUS
JULY 2011	-		CAUS
JAN 2012	B	DA-REV B. ELEVATIONS & ROOF TERRACE	ANTHONY

3005 DESIGN CITY LTD  
 4075 JONES STREET, LONDON N10 2NR  
 TELEPHONE 01 233 1001  
 FACSIMILE 01 233 1002

## SSO







## CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

### (a) (i) The provisions of any environmental planning instrument

#### Tweed Local Environmental Plan 2000

##### Clause 4 - Aims of the Plan

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is *"the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced"*.

Clause 4 further aims to provide a legal basis for the making of a DCP to provide guidance for future development and land management, to give effect to the Tweed Heads 2000+ Strategy and Pottsville Village Strategy and to encourage sustainable economic development of the area which is compatible with the Shire's environmental and residential amenity qualities.

The proposed development is considered to meet the provisions of Clause 4 by way of maximising the density of the property whilst being compatible with the existing and future streetscape and amenity of the area.

##### Clause 5 - Ecologically Sustainable Development

Clause 5 of the LEP relates to ecologically sustainable development. The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*.

Appropriate conditions of consent have been applied, which will ensure that the proposed development will not significantly impact upon the surrounding residences or locality. As such, the proposed development is considered to meet the provisions of Clause 5 of the LEP.

##### Clause 8 - Zone objectives

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) *it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- (b) *it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and*
- (c) *it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will*

*be affected by its being carried out or on the area of Tweed as a whole.*

As noted below, the proposed development is considered to meet the primary objective of the zone by way of optimum utilisation of the site, whilst taking into account environmental constraints. The proposal generally complies with Clause 8(a).

Other relevant clauses of the TLEP have been considered elsewhere in this report and it is considered that the proposal generally complies with the aims and objectives of each.

The proposed development is not considered to have an unacceptable cumulative impact on the locality or the community as a whole.

#### Clause 11 - Zone objectives

Clause 11 of the LEP relates to zone objectives. The subject site consists of zoned 2(b) Medium Density Residential under the provisions of the LEP.

The primary objective of this zone is to:

*“Provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good design outcomes”.*

The Tweed LEP 2000 provides a definition for housing for older people or people with disabilities being: -

*“Residential accommodation which is used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, a hostel or a grouping of two or more self contained dwellings or a combination of these but does not include a hospital”.*

The proposed use of the subject land for the purposes of housing for seniors or people with a disability is permissible with consent and is considered to be consistent with the zone objectives.

#### Clause 15 - Essential Services

Clause 15 of the TLEP requires the provision of essential services to be available to the site prior to any consent being granted. Council's reticulated potable water supply and piped effluent disposal infrastructure is available to the area.

#### Clause 16 - Height of Building

The objective of the clause is *to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.*

The clause also states that *consent must not be granted to the erection of a building which exceeds the maximum height or number of storeys indicated on the Height of Buildings map in respect of the land to which the application relates.*

The site is restricted by a 6 storey height limit with the proposed development, being technically 7 storeys. A variation to this clause 16(2) has been provided by the applicant and is addressed in detail later within this report under *SEPP No. 1 - Development Standards*.

The variation to clause 16(2) *heights of building* is supported as the proposed development appears as a 6 storey building (the 7<sup>th</sup> storey portion is a mezzanine located over the lobby/lounge/café area), from both Powell Street and Florence Street. The proposed building height is consistent in scale with surrounding medium density development.

#### Clause 17 - Social Impact Assessment

Clause 17 of the TLEP requires a social impact assessment for development types likely to have a significant social impact in the locality. The applicant has provided a Social Impact Assessment, concluding that the proposal is unlikely to generate a adverse social or economical impacts. The proposal is considered to comply with the clause.

#### Clause 34 - Flooding

Clause 34 of the TLEP provides objectives to minimise future potential flood damage by ensuring only appropriate compatible development occurs on flood liable land. The subject site is identified as being prone to flooding subject to the PMF (Possible Maximum Flood) with the next highest Q100 flood level being 2.6m AHD with the Habitable Floor Level set at 3.1m AHD. The development proposes a ground level of 2.6m AHD with the resident/habitable floor level of 3.30m AHD. The proposal is considered to comply with this clause.

Further detail is provided later in this report on the matter.

#### Clause 35 - Acid Sulfate Soils

Clause 35 of the TLEP provides for the management of acid sulfate soils. The subject land is identified as being in a Class 2 ASS area. Council's Environment and Health Unit has assessed the proposed development in this regard, stating that "*ASS not considered a constraint for the proposed works.*"

Council's Environment and Health officer's comments are provided below.

*"The development is located with a class 2 acid sulfate soil area. A Preliminary Acid Sulfate Soil Investigation & Dewatering Management Plan for Lots 113-116 DP 237806 – 6-12 Powell Street, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd dated June 2011 (Report: HMC2011.038) has been submitted. The basement floor level is 0.2m AHD with footings and excavations for lift wells extending to -1.0m AHD (3.6m below existing ground level).*

*Results do not indicate the presence of AASS or PASS. ASS not considered a constraint for the proposed works. "*

#### Clause 39 – Remediation of Contaminated Lands



The proposal is considered compliant with the requirements of Clause 39 of the TLEP 2000.

Council's Environment and Health Unit reviewed the application in relation to contamination and stated that *"Contamination does not appear to be a constraint for the proposed development."*

Council's Environment and Health officer's comments are provided below.

*"Checks of the aerial photographs dated 1962 (2/5238), 1966 (1/5068), 1970 (6/5186), 1976 (5/4083) and 1995 (2n/039) and Tweed Heads topographic maps dated 1974 and 1985 did not reveal any potentially contaminating activities. No cattle dip sites are located within 200m of the subject site. Contamination does not appear to be a constraint for the proposed development."*

## **State Environmental Planning Policies**

### **SEPP (North Coast Regional Environmental Plan) 1988**

#### **Clause 32B: Coastal Lands**

This Clause requires the consideration of the NSW Coastal Policy, Coastline Management Manual and the North Coast Design Guidelines for proposals on coastal lands; and also contains provisions relating to public access to the foreshore.

The proposal is considered to be generally consistent with the relevant provisions of the NSW Coast Government Policy and the Coastline Management Manual. The development is situated two hundred metres from the foreshore of the Tweed River. The development will not impede public access to the foreshore or cause any overshadowing of beaches or adjacent open space. Accordingly, the proposal fully complies with this clause of the REP.

#### **Clause 43: Residential development**

Clause 43 contains provisions relating to residential development. The proposed density is considered to be a reasonable response to the existing land use character of the area and will not result in the creation of any adverse physical impacts upon the locality. Further, the existing road widths are satisfactory for the proposal and a detailed sedimentation and erosion control plan will be applied in relation to the construction. The proposal is considered to be consistent with the relevant provisions of Clause 43 of NCREP 1988.

#### **SEPP No. 1 - Development Standards**

The development proposes a seven (7) storey building within a six (6) storey height limit. Therefore, the proposed development seeks a variation to the provision of Clause 16 *Height of Buildings* of the *Tweed Local Environmental Plan 2000*.

The variation is supported as the proposal presents as a six (6) storey development from all elevations particularly Powell Street and Florence Street

with the proposal being consistent in scale with surrounding medium density development.

#### SEPP No.1 Objection – Clause 16 TLEP 2000.

Clause 3 of the policy states:-

*“3. This policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.”*

Clause 5 objects of the Environmental Planning and Assessment Act, 1979 states:-

#### **5 Objects**

*The objects of this Act are:*

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

#### **6 Making of applications**

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The objection is in respect of the planning standard identified within Clause 16 of the Tweed Local Environmental Plan 2000, particularly seeking variance to the six (6) storey height limit prescribed for the site.

#### **7 Consent may be granted**

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

The proposal in accord with the definition contained within the Tweed Local Environmental Plan 2000 is technically seven (7) storeys. It is noted the proposal has been designed to present as a six (6) storey development consistent in scale with surrounding medium density development. The proposal presents as six (6) storeys to all boundaries of the subject site in

particular Powell Street and Florence Street. The extent of variation is one (1) storey over that prescribed.

### ASSESSMENT

The additional storey is created by the proposed mezzanine level which is located above the reception/administration office and kitchen areas which are centrally located on the ground floor. As such the proposed mezzanine is not visible from outside the building, with the building presenting as a six storey building.

The proposed mezzanine does not increase the overall height of the proposed building, with the proposed building height less than the recently approved seniors living development located adjacent to the subject development at 7-11 Powell Street.

In addition the proposed mezzanine contains void areas and has a varied width of approximately 5.2m and length of 32 metres with an approximate floor area of less than 160m<sup>2</sup>. As such, the proposed storey is minor in relation to the average overall floor area of a level within the proposed building being approximately 1,769m<sup>2</sup>.

### CONCLUSION

The construction of the proposed mezzanine area, if supported would not negate the objectives of clause 16 Height of Buildings, which is to ensure that the scale and height of the proposed building was appropriate to its location and surrounding development.

### SEPP No. 55 - Remediation of Land

As noted under Clause 39 of the Tweed LEP, Council's Environment and Health Unit raised no objection to the proposed development in relation to contamination. As such, SEPP 55 is considered to be satisfied.

### SEPP No. 65 - Design Quality of Residential Flat Development

The applicant has submitted a Design Verification and statement which addresses the 10 design principles under SEPP 65. The following is a summary of the proposal with regard the SEPP provisions.

#### **Principle 1: Context**

*Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.*

#### **Comment:**

The built features of the area are predominantly residential, with the Tweed Hospital, bowling club and residential care facilities near by the subject site. The site is also close to the Centro Tweed which is one of the main shopping facilities in Tweed Head. The area is characterised by mixture of single storey dwelling houses as well as number of multi storey high residential apartments.

There is a residential care facility located across the street from the site and a new self contained senior living apartment development on Powell Street is on the way which demonstrates the continuously rising demand for the senior living in the Tweed Head area.

### **Principle 2: Scale**

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.*

#### **Comment:**

The proposed development provides car parking at basement level and visitors parking on ground level. The ground level provides for some landscape within the front set back along the street frontages. The scale of the proposed building is generally consistent with other high rise apartments in the vicinity.

### **Principle 3: Built form**

*Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

#### **Comment:**

The building is designed providing horizontal division between the base, the main body and the top part of the building by the choice in different material, expression of the building and the selection of the cladding material. The building is divided into largely two linear forms, joined together by the light well and circulation spines running in between. The main entry to the building is from Powell Street, as is the vehicular access in to the basement.

The main entry is clearly marked by the ramp and steps leading into the building, again marked by the large awning offering protection over the entrance. The recessed balconies and windows face onto Powell and Florence Street. Powell Street, in particular, faces onto the West; hence the provision of adequate sun protection from the hot western sun. The series of sun screen in sliding and pivoting form, all contribute towards creating an attractive elevation that contributes to the streetscape.

The outlook from the apartments is to the existing development of Tweed Head and the setbacks to the street and the courtyards and the balconies all create pleasant and attractive outlooks for the apartments. In particular, the units to the Eastern and Southern orientation are offered with a view of the river.

The internal amenity of the units is achieved with as much natural sunlight as possible. Inside, the usable spaces are maximised, providing an open kitchen

and dining space with separate laundry, full bathroom and the living areas located to overlook either the balcony or the private courtyard.

#### **Principle 4: Density**

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.*

#### **Comment:**

The apartments provide 1 and 2 bedrooms options with family or living rooms opening to a private open space. The proposed design and density is generally consistent with recently approved and constructed developments and also generally consistent with the desired future density of the area.

#### **Principle 5: Resource, energy and water efficiency**

*Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.*

#### **Comment:**

The proposed apartments are efficient in the use of space and natural resources. The upper slab of basement car park is lifted off the natural ground level, giving opportunity for natural light and ventilation to the parking area, thereby minimising the need for mechanical ventilation in the basement. Solar access to the apartments and public spaces is maximised but at the same time effective measures of sun screening devices has been provided at Western, Northern and Eastern elevation to ensure that the optimum living conditions of the units are maintained.

The apartments are also provided with balconies to maximise the natural light and ventilation to the units and circulation spaces thereby further reducing the need for electricity and air conditioning.

#### **Principle 6: Landscape**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.*

Comment:

The application does not propose the retention of a mature Lemon-scented Gum (*Eucalyptus citriodora*). This tree provides a focal point in the streetscape and is located on the corner of a roundabout. Council considers this tree to be of aesthetic and habitat value and therefore its retention is requested.

Landscaping is proposed for the ground floor (595.4m<sup>2</sup>), the mezzanine (14.1m<sup>2</sup>) and the roof top (527.1m<sup>2</sup>), providing a proposed total landscaping area of 1136.6m<sup>2</sup>. The landscaping plan provides an indicative species list that is deficient of local native species.

Council requested the following information to enable assessment of the proposal:

1. Sufficient detail and amended plans must be submitted to ensure retention of the Lemon-scented Gum (*Eucalyptus citriodora*) on the site in accordance with AS 4970-2009 'Protection of Trees on Development Sites'.
2. A revised Statement of Landscape Intent containing no noxious or environmental weed species with a minimum 80% of total plant numbers comprised of local native species.

The applicant provided a reply to the information requested above; stating that retention of the mature Lemon-scented Gum would result in the loss of four car parking spaces, a bedroom, study and amenities from the corner apartments on each floor, resulting in a financial loss of close to 10% off forecasted profit.

If the development is to be approved with the removal of the mature Lemon-scented Gum, a condition is recommended requiring information stated in point two above, prior to the issue of a construction certificate.

### **Principle 7: Amenity**

*Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*

Comment:

The layout of the apartments is efficient, maximising access to sunlight and natural ventilation. The apartments provide a living area adjacent either to a balcony or a private courtyard, providing good ventilation and outlook for the residents.

The residents are also offered with half the ground floor and a mezzanine floor as their own lobby, lounge, café and bar and a roof top garden with BBQ's.

### **Principle 8: Safety and security**

*Good design optimises safety and security, both internal to the development and for the public domain.*

*This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*

Comment:

The applicant provided the following statement which is agreed with. *“The entrances to the apartments are designed to maximise the safety of the residents and the apartments’ outlook provides for a natural surveillance of the public domain. The main entry on Powell Street is in prominent location with large awning over the ramp and steps, which will be well lit and protected. The entire building will be well lit at the street perimeter, addressing the issue of the security within the development. The balconies and windows faces onto the street, and landscaped areas, thereby increasing the safety of the premises.*

*The public and private spaces are clearly delineated and the lobby is occupied by the receptionist during the day and by a security during the night, adding to the overall security of the premises throughout entire 24 hours.”*

#### **Principle 9: Social dimensions and housing affordability**

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.*

*New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.*

*New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*

Comment:

Socially the development represents good utilisation of land zoned for medium density development within acceptable proximity to shops, clubs and other recreational opportunities in the Tweed Heads area.

The proposal provides for the increasing demand for seniors housing of the Tweed Head community.

#### **Principle 10: Aesthetics**

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*

Comment:

The proposal does not detract from the streetscape or the aesthetics of the locality and makes a positive contribution to the area. The building



incorporates roof forms with vertical and horizontal articulation on all four elevations.

The overall aesthetics of the building provide a desirable modern development, which is in keeping with the future character of the surrounding area.

In conclusion, the proposed development is considered to be consistent with the provisions of SEPP 65.

#### SEPP No 71 – Coastal Protection

Clause 8 of the Policy details sixteen matters for consideration for land within the coastal zone. The application is considered to adequately satisfy the matters for consideration, subject to appropriate conditions of consent. Specifically the proposed development is considered compatible with the intent for the development of the locality.

#### SEPP (Major Projects) 2005

As prescribed by Part 3 Regional Development, Division 2, Clause 13B(1)(a) of SEPP (Major Developments) 2005 the proposed development at a capital investment of 15 million dollars exceeds the 10 million dollars threshold and as such is considered a regional development.

A Planning Circular issued on 30 September 2011 states that applications with a capital improvement value of more than 10 million lodged prior to 1 October 2011 will be determined by the JRPP.

The consent authority for the development will be the Joint Regional Planning Panel.

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

The proposal does not require referral to the RTA. The proposal does not trigger the Column 2 Schedule 3 limits nor is the site located within 90m of Wharf Street. Clause 104 – Traffic Generating Development of SEPP (Infrastructure) 2007 does not apply to the development.

#### SEPP (Housing for Seniors or People with a Disability) 2004

Aims of the Policy:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
  - (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
  - (b) *make efficient use of existing infrastructure and services, and*
  - (c) *be of good design.*
- (2) *These aims will be achieved by:*
  - (a) *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that*

- meets the development criteria and standards specified in this Policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

#### Clause 4 – Land to which Policy Applies

##### *(1) General*

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

- (a) development for the purpose of any of the following is permitted on the land:*
  - (i) dwelling-houses,*
  - (ii) residential flat buildings,*
  - (iii) hospitals,*
  - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) the land is being used for the purposes of an existing registered club.*

#### Comment:

The proposed seniors living development has been designed to provide housing for seniors or people with a disability and is in accordance with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

The site is zoned 2(b) medium density residential; multi dwelling housing (which includes residential flat buildings) is permissible with consent in the zone. The site is land to which the SEPP applies.

#### **Clause 8 - Seniors**

*In this Policy, **seniors** are any of the following:*

- (a) people aged 55 or more years;*
- (b) people who are a resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided;*
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*

#### Comment:

The applicant has noted that the occupation of the proposed apartments will be in accordance with this Clause.

#### **Clause 10 – Seniors housing**

*In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility; or*
- (b) a hostel; or*

- (c) a group of self-contained dwellings; or
- (d) a combination of these, but does not include a hospital.

Comment:

The applicant has noted that the development will take the form of a group of self contained dwellings, with each unit including a kitchen and laundry.

### **Clause 13 – Self-contained dwellings**

#### **(1) General Term: “self-contained dwelling”**

*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

#### **(2) Example: “in-fill self-care housing”**

*In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

#### **(3) Example: “serviced self-care housing”**

*In this Policy, **serviced self-care housing** is seniors’ housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

Comment:

The proposed development is classified as ‘serviced self-care housing’ pursuant to the provisions of Clause 13 (3) of the SEPP.

### **Part 1 – General**

### **Clause 14 – Objective of Chapter**

*The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.*

Comment:

The proposed development is considered to be consistent with Clause 14.

### **Clause 15 – What Chapter does**

*Allows development on land zoned primarily for urban purposes for the purpose of any form of seniors housing.*

Comment:

The land is zoned for urban purposes, being 2(b) Medium Density Residential under the provisions of the Tweed LEP 2000. Therefore, the proposed development meets the provisions of Clause 15.

**Clause 16 – Development consent required**

*Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.*

Comment:

As noted above, development consent is required under Part 4 of the Act.

**Clause 17 - Development on land adjoining land zoned primarily for urban purposes**

Comment:

This clause details provisions for development on land adjoining land zoned primarily for urban purposes. This is not applicable to this application as the site is zoned for urban purposes.

**Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter**

*(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:*

- (a) Seniors or people who have a disability,*
- (b) People who live within the same household with seniors or people who have a disability,*
- (c) Staff employed to assist in the administration of and provision of services to housing under this Policy.*

Comment:

The applicant has acknowledged that the proposed development will be in accordance with this Clause.

*(2) A consent authority must not consent to a development application made pursuant to this Chapter unless a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates.*

Comment:

The recommended conditions of consent will ensure appropriate restrictions are provided.

**Clause 19** details provision for use of senior's housing in commercial zones. This is not applicable to this application as the site is not zoned for commercial purposes.

**Clause 21** allows the subdivision of the land with consent. The applicant has acknowledged that strata subdivision of the apartments is not proposed. As such, this clause does not apply.

**Clause 23** refers to development on land used for the purposes of an existing registered club. The site is not a registered club and therefore this clause does not apply.

**Part 1A – Site compatibility certificates**

**Clause 24** and **Clause 25** relates to site compatibility certificates required for proposals on land which adjoins land zoned primarily for urban purposes, land zoned as a Special Use, land that is used for the purposes of an existing registered club, or involves buildings having a floor space ratio that would require the consent authority to grant consent under CI 45 (Vertical Villages).

Comment:

A site compatibility certificate is not required for the proposed development. As such, Clause 24 and 25 are not considered to be applicable.

**Part 2 – Site-related requirements**

**Clause 26 - Location and access to facilities**

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with sub-clause (2) to:*
  - (a) *shops, banks and other retail and commercial services that residents may reasonably require, and*
  - (b) *community services and recreation facilities, and*
  - (c) *the practice of a general medical practitioner.*
- (2) *Access complies with this clause if:*
  - (a) *the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development and the overall average gradient along the distance is no more than 1:14, or*
  - (b) *N/A , or*
  - (c) *in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:*
    - (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*

- (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
  - (iii) *that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),*  
*and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*
- (3) *For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*
- (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
  - (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
  - (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

**Comment:**

The applicant has stated that the subject site is located within close proximity to Tweed Heads Commercial Business District and Town centre. The town centre provides for a range of shopping, banking, retail and commercial services, medical facilities, and doctors surgeries. A 24 hour doctor's surgery is located within approx. 200 metres whilst the Tweed Heads District Hospital is located approx. 30 metres from the site. The locality is serviced by public transport and a bus stop is situated within the road reserve of Florence Street, directly out the front of the subject site. Access to the bus stop is level via the existing pedestrian network. The gradients to the adjacent bus stop and indeed to all surrounding services are within the acceptable limits prescribed by the SEPP. It is considered the site has suitable access to all necessary facilities.

In light of the above provisions, Clause 26 is considered satisfied.

**Clause 27 – Bush fire prone land**

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire*

*Service in co-operation with the Department of Planning, dated December 2006.*

Comment:

The site is not within land identified as prone to bushfire and the provisions of this clause do not apply.

**Clause 28 - Water and sewer**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*
- (2) Not applicable*

Comment:

The site is located within an established urban area and has adequate access to existing water and sewer infrastructure.

**Clause 29-** Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

- (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.*

Comment:

Clause 24 does not apply to the proposed development. As a result, Clause 29 applies.

- (2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v), which are noted below:*
  - 25(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
    - (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
    - (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
    - (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.*



Comment:

The subject site is highly modified within an urban environment containing multiple dwellings and consequently has no natural environmental values. These issues are discussed in further detail later in this report. The applicant also notes that the existing uses and future development of surrounding land is likely to be that of multi storey residential multi dwelling housing developments up to six storeys. As such, the proposed development is considered to be compatible with the existing and future uses of the surrounding locality.

As noted above, the proposed development is considered to satisfy Clause 26.

### Part 3 – Design requirements

#### *Division 1 – General*

**Clause 30** requires that the applicant must provide a site analysis statement with the application addressing the following points; site dimensions, topography, services, existing vegetation, microclimates, location of buildings and other structures, views to and from the site and overshadowing by neighbouring structures. The applicant has provided detailed site analysis plans and notations within the Statement of Environmental Effects to satisfy Clause 30.

**Clause 31** relates to the design of ‘in-fill self-care housing’. The proposal has been designed with consideration to the *Seniors Living Policy: Urban Design Guideline for Infill Development*.

**Clause 32** refers to the design of residential development. This clause states that a consent authority must not consent to a development application unless they are satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2. An assessment against the individual design principles are noted below, which concludes that this clause is considered satisfied.

#### *Division 2 – Design Principles*

##### **Clause 33** - Neighbourhood amenity and streetscape

*The proposed development should:*

- (a) *recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area; and*
- (b) *N/A; and*
- (c) *maintain reasonable neighbourhood amenity and appropriate residential character by:*
  - (i) *providing building setbacks to reduce bulk and overshadowing; and*
  - (ii) *using building form and siting that relates to the site’s land form; and*
  - (iii) *adopting building heights at the street frontage that are compatible in scale with adjacent development; and*

- (iv) *considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours; and*
- (d) *be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) *embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) *retain, wherever reasonable, major existing trees, and*
- (g) *be designed so that no building is constructed in a riparian zone.*

The proposed development incorporates the construction of a multi-level seniors living development consisting of a total of 77 units containing a total of 99 bedrooms. The proposal incorporates a front setback of 6.0 metres to Florence Street and a 4 metre setback to Powell Street. The front setbacks are to be landscaped with native trees and shrubs and turfed accordingly.

It is considered the proposed development is of a bulk, scale and height which will not detract from the streetscape or the amenity of the neighbourhood.

#### **Clause 34 - Visual and acoustic privacy**

*The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:*

- (a) *appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) *ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Due to the design of the building and materials proposed to be used, suitable noise insulation measures will be installed between each unit to ensure acoustic privacy is maintained. Balconies have been orientated to increase privacy and reduce overlooking.

#### **Clause 35 - Solar access and design for climate**

*The proposed development should:*

- (a) *ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) *involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Adequate solar access is available to the main living areas of each unit through the provision of suitably sited windows and orientation of those rooms to accept sun throughout the day. It is noted appropriate shading devices have been used to protect walls and windows during the hottest part of the day. This clause is considered satisfied.

#### **Clause 36 - Stormwater**

*The proposed development should:*

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

Appropriate conditions of consent have been applied to ensure that the development complies with Clause 36 of the SEPP.

### **Clause 37 - Crime Prevention**

*The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:*

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The proposal provides for good visual surveillance of the two streets, internal driveway areas to assist in the prevention of crime. This clause is considered satisfied.

### **Clause 38 - Accessibility**

*The proposed development should:*

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The site is readily accessible to local facilities, the town centre, parks and other recreational opportunities with good public bus service linking the neighbourhood to the town environs. It is noted that all of the required services and facilities are within walking distance from the subject site. As such this clause is considered to have been satisfied.

### **Clause 39 - Waste Management**

*The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.*

Each Unit will have access to its own rubbish receptacle with a rubbish storage area identified within the attached plans. The proposal will be serviced by Solo Waste Councils waste contractor.. Council's Waste Management Coordinator has assessed the waste management plan with no objections, subject to conditions of consent. This clause is considered satisfied.

Part 4 – Development standards to be complied with

**Clause 40** - Development standards – minimum sizes and building height.

- (1) **General** A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.
- (2) **Site size** The size of the site must be at least 1,000 square metres.
- (3) **Site frontage** The site frontage must be at least 20 metres wide measured at the building line.
- (4) **Height in zones where residential flat buildings are not permitted**  
If the development is proposed in a residential zone where residential flat buildings are not permitted:
  - (a) the height of all buildings in the proposed development must be 8 metres or less, and
  - (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

**Note.** The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

The total area of the site is 2731.6m<sup>2</sup>, exceeding the minimum requirement of 1000m<sup>2</sup>.

The site has frontage of 73.606m to Powell Street and 32.81m to Florence Street, exceeding the minimum requirement of 20m.

The site is zoned 2 (b) Medium Density Residential, in which residential flat buildings are permissible with consent, with the site being affected by a six (6) storey height limit. Therefore the 8m standard is not applicable to this development. Clause 40 is considered satisfied.

*Division 3 – Hostels and Self-Contained Dwellings: Standards concerning access and usability*

**Clause 41** - Standards for hostels and self-contained dwellings.

The SEPP notes that development standards concerning accessibility and usability for self contained dwellings require the development to be assessed against the standards specified in Schedule 3. An assessment against the provisions of Schedule 3 is noted below.

**Siting Standards** – Wheelchair access and Common areas

Access throughout the entire site is to be in accordance with Australian Standards for wheelchair access. The applicant has noted that all units are designed with freely available wheel chair access to the common areas of the properties.

**Security** – Acceptable pathway lighting must be provided

The applicant has noted that the proposed development will comply with the SEPP's requirements for pathway lighting, noting that...*'Suitable garden lighting is to be installed at the entrance to the property and adjacent to the driveway for security purposes'*.

**Letterboxes** – *must be situated on a hardstand area with wheelchair access, must be lockable and located together in a central location adjacent to the street entry*

The applicant states that *'mail is to be delivered to site admin at a central point and then collected by residents with admin.'*

**Private car accommodation** – *Resident car parking provisions must comply with the Australian Standards disability requirements; 5% of the spaces must be increased to a width of 3.8m; and any garage must be capable of being power operated.*

The applicant states that *'The proposal has been designed to comply with disability requirements outlined within AS2890 and 5% of spaces have been increased to 3.8m width. It is also noted 56 spaces are 2.4m with adjoining shared zone. The basement is accessed by power operated door.'*

**Accessible entry** – *Every entry (whether a front door or not) to a dwelling must comply with clauses 4.3.1 and 4.3.2 of AS4299.*

The applicant has noted that stated that *"all units are designed to comply with the gradient requirements. Entrances to comply with the relevant clauses to AS4299 and AS1428 as stipulated."*

**Interior: general** – *widths of internal corridors and circulation at internal doorways must comply with AS1428.1.*

The applicant has noted that the proposal has been designed to comply with AS1428.1 to ensure suitable width of corridors and manoeuvring areas throughout the development.

**Bedroom** – *at least one bedroom must have sufficient area to accommodate a queen size bed, a clear area at the foot and beside the bed, 2 double power points (at the head of the bed), 1 general power point opposite the head of the bed, a telephone outlet next to the bed (on side closest to door and next to power outlet), & wiring for potential illumination of 300 lux.*

The applicant has noted that the proposed development complies with this component of the SEPP and provided the following comment *'the main bedroom in each unit is of satisfactory size to accommodate a queen size bed. Wiring to be installed for telephones, power and lighting as per this control.'*

**Bathroom** – *at least 1 bathroom within a dwelling must have required facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS1428.1. They must have slip resistant floor, washbasin with clearances that comply with AS1428.1, shower that complies with AS1428.1, except that a grab rail, portable shower head & folding seat must be accommodated. A wall cabinet must be provided with sufficient illumination to enable labels of stored items to be read. A double power outlet must be provided beside the mirror.*

The applicant has noted that further detail regarding compliance with bathroom requirements will be provided at Construction Certificate stage. An applicable condition of consent has been applied in this regard.

**Toilet** – dwellings must have at least 1 toilet and be a visitable toilet that complies with the requirements for sanitary facilities of AS4299.

The applicant has noted that toilets have been designed to comply with the provisions of the SEPP. Further detail is to be provided at Construction Certificate stage.

**Surface finishes** – balconies and external paved areas must have slip-resistant surfaces.

The applicant stated 'all external paved areas are to have slip resistant surfaces.'

**Door hardware** – door handles and hardware for all doors must be provided in accordance with AS4299.

The applicant has stated that "door handles to be sited 900 to 1100 mm above the floor level and to be operated by one hand."

**Ancillary items** – switches and power points must be provided in accordance with AS4299.

The applicant has stated "switches to be sited 900 to 1100 mm above the floor level and all power outlets to be a minimum 600 mm above the floor level."

**Living room and dining room** – a living room must have a circulation space in accordance with clause 4.5.2 of AS4299 & a telephone adjacent to a general power outlet. A living and dining room must have wiring to allow potential illumination level of at least 300 lux.

The applicant stated that 'each Unit has been designed with generous proportions in the living and dining room to comply with these requirements. A telephone and power outlet to be installed adjacent to each other and sited accordingly in the Living Room.'

**Kitchen** – kitchens must have a circulation space in accordance with clause 4.5.2 of AS4299, a complying door width as well as benches, tap set, cook tops & oven in accordance with clause 4.5 of AS4299. 'D' pull cupboard handles are to be provided as well as a double power outlets within 300mm of the front work surface and a power outlet for a refrigerator.

The applicant stated that 'the proposal has been designed to comply with the provisions of the SEPP for Kitchen fitout. Further detail to be provided at construction certificate stage.'

**Lifts in multi storey buildings** – for multi storey developments containing separate dwellings on different storeys, lift access must be provided to dwellings above ground level, compliant with BCA requirements.

The applicant has noted that the proposal has been designed with lift access to dwellings above the ground floor level, which is compliant with clause E3.6 of the BCA.

***Laundry*** – dwellings must have a laundry that has a compliant width, provision for the installation of an automatic washing machine & clothes dryer, a clear space in front of the compliances (at least 1.3m), slip resistant floor surface & an accessible path to any clothes line.

The applicant has noted that the development is compliant in that each dwelling has been designed with a laundry space, washing machine and applicable clear space in front of the appliances.

***Storage for linen*** – provision for linen storage within each dwelling must be in accordance with clause 4.11.5 of AS4299.

The applicant stated that suitably sized Linen Presses are proposed for each residential unit and compliant with the provisions of the clause.

***Garbage*** – a garbage storage area must be provided in an accessible location.

The applicant has noted that the proposed development complies with this provision of the SEPP. A common garbage facility is proposed at ground level, this is accessed via refuse chute from the internal access corridors.

In terms of the overall provisions of Clause 41, the proposed development is considered to be consistent with the SEPP.

## Part 6 – Development for Vertical Villages

### **Clause 45 – Vertical Villages**

Clause 45 is not applicable to the proposal. Although technically applicable in that the proposal is a vertical village and that residential flat buildings are permissible with consent. All currently adopted environmental planning instruments applicable to the site do not specify a FSR limit.

## Part 7 – Development standards that cannot be used as grounds to refuse consent

### *Division 4 – Self contained dwellings*

***Clause 50 – Standards that cannot be used to refuse development consent for self contained dwellings***

**(a) Building Height:** if all proposed buildings are 8 metres or less in height.

This clause stipulates that Council cannot refuse a residential care facility on the grounds of height, if the building height is less than 8m.

The proposal is a multi level development that exceeds 8m.

**(b) Density and Scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.

An FSR control does not apply to the development. The applicant states that the proposed development incorporates an FSR of 3.1:1.

**(c) Landscaped area:** if a minimum of 30% of the area of the site is landscaped.

The development proposes 1056.5m<sup>2</sup> of landscaped area over a site area of 2731.6m<sup>2</sup>, equating to 38%.

**(d) Deep soil zones:** 15% of the site area, with two-thirds of the area to be located at the rear of the site, each having a minimum dimension of 3m.

15% of the site area equates to 409.7 m<sup>2</sup>, with two-thirds of this area equating to 270.4m<sup>2</sup>.

The applicant requests a variation as the application proposes only an area of 260.9m<sup>2</sup> (9.55%) of deep soil zones with 58m<sup>2</sup> proposed at the rear of the site.

As the proposal does not meet the minimum 15% of deep soil zones, the proposal could be refused. The applicant has stated that an adjoining development provides only 8.46% of deep soil zones therefore it is consistent with previous approvals issued by Council with regard to deep soil zone percentage. The applicant's justification for the non-compliance with this control is not considered to be acceptable. As such a condition of consent has been applied requiring the 15% deep soil zone to be met.

**(e) Solar access:** living rooms and private open spaces for a minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.

The applicant claims that due to the orientation of the site to the east and west, the living rooms of each dwelling will receive the minimum amount of direct sunlight during midwinter.

**f) Private Open Space:** Ground Floor Dwellings 15 m<sup>2</sup> with Dimensions of 3 metres and Upper level Dwellings a balcony of 10 m<sup>2</sup> with Dimensions of 2 metres.

No ground floor dwellings are proposed. All upper level dwelling have access to a balcony complying with the minimum dimension requirements.

**(h) Parking:** if at least the following is provided:

(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.

The development proposes 99 bedrooms, which equates to 50 spaces for the residents. The development proposes 50 resident spaces, 5 staff parking, 12 visitor spaces and 1 ambulance space.

As such, the proposal is considered to comply with this clause.

Therefore, having considered all of the abovementioned criteria, the proposed development is considered to meet the aims and requirements of the SEPP (Housing for Seniors or People with a Disability) 2004, subject to applicable conditions of consent.

## **(a) (ii) The Provisions of any Draft Environmental Planning Instruments**

The site is covered by the Draft Local Environmental Plan 2009 - City Centre.



The site is zoned R3 – Medium Density Residential, with a maximum building height of 22metres, with a floor space ratio of 1.8:1.

The proposed development is best defined as Seniors Housing, which is permissible with consent and consistent with the zone objectives. The provisions of the Draft Tweed Local Environmental Plan 2009 raise no issue with regards to the proposal, with the exception of Building Height and FSR. The proposal has an overall height of 22.6m. The design was modified to ensure that the majority of the building is 22m, with only the lift over run being 22.6m in height. In terms of FSR, the proposal greatly exceeds the minimum requirement of the Draft LEP. As the gazettal of the LEP is not imminent, the proposal is not considered to warrant refusal in regard to height and FSR.

**(a) (iii) Development Control Plan (DCP)**

Tweed Development Control Plan

A2-Site Access and Parking Code

The proposed development is considered to satisfy the requirements of on-site car parking and site access, subject to recommended conditions.

The applicable car parking rate provided by SEPP (Housing for Seniors or People with a Disability) 2004 is as follows.

The SEPP HSPD requires:

- 0.5 car spaces per bedroom, and makes no mention of visitor parking or ancillary uses within the development site.
- car parking spaces (not for employees) must comply with the requirements for parking for persons with a disability as set out in AS2890 (now specifically AS/NZS 2890.6: 2009). It is noted that this standard only describes the dimensions of the required car spaces, not how many are required.
- 5% of the total number of car parking spaces must be 3.8m wide. (Note that this no longer complies with the 'disabled' dimension requirements of AS 2890 – specifically AS2890.6).

The development proposes the following number of onsite car parking spaces at basement and ground level:

Basement:	50 resident (47 x 2.4m wide with shared zone + 3 x 3.8m wide)
	5 staff
	9 visitor
Ground Floor:	3 visitor
	1 ambulance
	1 Village bus

Delivery / service vehicles

Council's Development Engineer provided the following comments in relation to delivery/service vehicle parking.

*No parking is provided for service / delivery vehicles. While the SEPP HSPD is silent with regard to parking for service vehicles, it is not deemed appropriate to ignore the separate parking requirements of the ancillary uses that appear meant to be absorbed as part of the overall development. Nevertheless in this instance most delivery or service vehicles would only require short term parking, and are likely to utilise one of the ground level parking spaces, with capability to also utilise the driveway width for drop-off servicing.*

#### Car wash bays

Council's Development Engineer provided the following comments in relation to car wash bays.

*Also, there are no designated car wash bays. In this regard, under TSC DCP B2, other developments would be required to provide 1 car wash bay per 10 units. This rate would be considered excessive for this development proposal, however some provision is still expected. This is consistent with similar previous approvals in the Shire.*

*The applicant will be required to provide a car wash bay – and in this instance the cross-utilisation of a nominated short-term visitor parking bay would be adequate.*

#### A3-Development of Flood Liable Land

Section A3 of the Tweed Development Control Plan is applicable to the proposal as the site is prone to the Probable Maximum Flood (PMF). The proposed development is considered to be consistent with the policy, subject to recommended conditions of consent.

The site is not mapped as subject to inundation during a 100 ARI event; however it is mapped within the Probable Maximum Flood area under Tweed Shire Councils mapping. Areas subject to the Probable Maximum Flood area required to meet the same floor levels as land within the 100 ARI flood event area. In this regard the design flood level for this area is 2.6m AHD, with the Habitable Floor Level of all new buildings being set at 3.1m AHD. The development proposes habitable floor level of RL 3.30m AHD.

In terms of the PMF the site is mapped as subject to levels of between 5.0m and 5.5m. As shown within the Architectural Plans the minimum floor level of dwellings is proposed at 3.3m AHD.

The proposal involves the construction of a multi-storey seniors living complex, on land where local access streets around the development site are below the design flood level of RL 2.6m AHD. Therefore evacuation access for this facility does not meet the criteria in Council's Flood Risk Management Policy and DCP A3. While evacuation of residents to suitable, safe alternate accommodation remains the preferred emergency response for the development, it is acknowledged that due to short warning times and lack of suitable evacuation venues for "sensitive" persons this may not be feasible for all floods up to the PMF. As such, Council's Flood Risk Management Policy and DCP A3 requires that the development provides adequate on site facilities to allow safe "refuge in place" for occupants for the duration of a flood emergency.

Accordingly, a 'Flood Response Assessment Plan' (FRAP) was provided with the original submission, to address the requirements for a safe 'refuge in place'. While it was adequate for the original proposal, the modifications to the proposed development now make the FRAP redundant. This is due to seven (7) habitable units and the mezzanine level now being positioned below the PMF level of RL 5.5m AHD.

Nevertheless the general concept of temporarily relocating affected residents and staff to higher levels within the building is still easily achieved, with ample room available to do so. Some sharing of accommodation will be necessary on a short term basis. These rights and responsibilities will need to be conveyed to all future occupiers and staff.

Back-up power will be provided on the roof also, for cases where the basement plant is flooded.

A revised Flood Response Assessment Plan will be required to be created prior to commencement of use. An appropriate condition of consent will be imposed to address this requirement.

#### A11-Public Notification of Development Proposals

The proposal required advertising for a period of 30 days from Wednesday 6 July 2011 to Friday 5 August 2011.

During the period Council received one (1) submission objecting to the proposal. The details of that submission are addressed later within the body of this report section (d) *Any submissions made in accordance with the Act or Regulations*.

#### A13-Socio-Economic Impact Assessment

The development is considered unlikely to generate adverse social or economic impacts with positive benefits to ensue to the local community and regional economy through provision of housing suitable for Seniors or Persons with a disability, whilst positive multiplier effects will accrue to the economy at the construction stage. The development will also continue to contribute to the local economy post construction and once occupied by residents.

#### B2-Tweed Heads

The site falls within the bounds of Section B2 – Tweed Heads of the Tweed Development Control Plan 2008. Specifically the subject site falls within the Tweed River Precinct. The background, precinct objectives and strategic policies of the precinct is identified as follows:

##### Tweed River Precinct

*B2.6.1 Background generally flat land. The precinct has been developed for townhouses and residential flat buildings, of a more recent vintage than those in the Western Precinct. The northern end of the precinct is marked by the 26 storey Seascape residential tower, built adjacent to the Jack Evans Boat Harbour. The Tweed Heads Hospital is located at the southern end of the precinct, and is affected by a five storey height limit. The residential areas between the Seascape tower and the Hospital are affected by a six storey height limit, excepting for a small part of the precinct adjacent to the river,*

*which is affected by a two storey height limit. A riverfront reserve lies adjacent to Keith Compton Drive.*

#### ***B2.6.2 Precinct Objectives***

*The objectives of the High Density Residential precincts are to:*

- Develop the precincts primarily as high density residential areas which respect existing residential amenity;*
- Provide additional choice in housing accommodation to cater for an increasing variety of household types;*
- Facilitate an increased residential population in proximity to the sub regional centre of Tweed Heads to maximise economic and social benefits;*
- Promote the efficient use of residential land;*
- Develop a streetscape that reflects the climate, topography and lifestyle of the locality.*

#### ***B2.6.3 Strategic Policies***

##### ***Streetscapes and Landscaping***

*The residential precincts should be characterised by attractive, landscaped streets. Quality landscaping contributes significantly to overall streetscape appearance. In this regard, all development proposals in the residential precincts must be accompanied by a comprehensive landscape plan, prepared by a qualified landscape architect. The landscaping of a particular site should integrate with the site building design and blend new development into the overall streetscape. Buildings can be linked to the surrounding landscape with low walls, trellises and screens, to soften the building outline and provide shade. Landscaping should be of an appropriate scale relative to both the street width and the building bulk. Native trees and shrubs are preferred. Important existing landscape elements such as significant trees should be preserved where practical.*

The proposal is considered to meet the objectives of the precinct, providing a medium density residential development which will increase the resident base of the locality and provide a high quality Architectural design in line with the requirements of SEPP 65. It is given the proposal in no way challenges the strategic direction set for the Tweed River precinct.

Other relevant provisions contained within this Section are addressed as follows:

##### ***Building Envelopes***

As prescribed by this section the building envelope controls apply to Business Zones; Special Use Zones and Development in residential zones where buildings are four or more storeys in height. The proposal complies with the building envelope.

##### ***Building Mass***

The design has achieved the requirements of building mass under Section B2, has no walls continuous or unbroken in length of more than 15 metres. The articulation in the façade is particularly important in relation to the building and its impact on the public realm; in this regard the building utilises variations within the building setback, the use of alternate texture, materials and colours

and sun shading elements to provide interest to the building. It is considered that the proposed design achieves the building mass requirements.

#### *Energy Efficiency*

The proposed development has been designed to comply with Council's energy efficiency requirements. In this regard the Development Application is accompanied by a BASIX certificate which achieves the Council's requirements in terms of energy and water efficiency.

#### *Daylight Access*

The proposed design incorporates private balconies and substantial glazed areas into each of the units thereby achieving access to natural light.

#### *Wind Mitigation and Overshadowing*

The DCP requires that down draft be avoided in tall buildings and for this to be achieved that podiums be provided. The proposal includes a podium at street level. The proposal also includes deep balconies areas to reduce down draft. The effects of overshadowing have been assessed with a shadow diagram submitted with the application. The proposed development doesn't result in any unreasonable overshadowing of adjoining property.

#### *Roof Lines*

The proposed design has achieved various roof lines whilst also providing for a multipurpose communal open space roof terrace that includes two barbeque areas, seating areas, three pools and landscaping. The use of various roof lines and a versatile roof space compliments the building as a design feature.

#### *Privacy*

The proposed development is afforded various private areas throughout the development. Importantly the balconies are either spatially separated from one another or divided by a solid wall to maintain privacy within these outdoor areas.

#### *Security and Surveillance*

The proposed development has been designed so as to present a safe and secure environment for residents and the general public. In this regard, the proposal addresses the street and provides significant passive overlooking opportunities.

#### *Private Open Space*

Under this Section, upper level units are required to have a balcony with a minimum area of 8 m<sup>2</sup> and a dimension of 2 metres. Ground level or podium units are required to have an open space area with minimum dimensions of 4 metres. The proposal has been designed to comply with the balcony dimension requirements of the SEPP (housing for aged or people with a disability) 2004 and exceeds the minimums specified by Section B2 of the TDCP 2008.

#### *Materials and Colours*

The building will essentially be constructed of concrete and block work with a range of external finishes including:

- Rendered masonry finishes and textures;

- Metal Cladding;
- Varying colours;
- Glass elements;
- Aluminium windows, louvers and screening; and
- Landscaping and green space.

**(a) (iv) Any Matters Prescribed by the Regulations**

Clause 92(a) Government Coastal Policy

The subject site is located within the Coastal Zone and as such the provisions of the Coastal Policy apply to the site. The proposed development is consistent with the objectives of the Coastal Policy.

Clause 92(b) Applications for demolition

Four dwellings are to be demolished via a separate development application.

A Pre-demolition Underslab Contamination Investigation for 12 Powell Street, Tweed Heads prepared by Border-Tech dated 31 March 2008 (Ref: MJB:mjb: BT 17999-2) and Pre-demolition Underslab Contamination Investigation for 6-10 Powell Street, Tweed Heads prepared by HMC Environmental Consulting dated April 2008 (Report: HMC 2008.021A) has been submitted. Samples appear to have been obtained and tested in accordance with Council's Pre-Demolition Testing Guideline. Border-Tec advise that all samples for 12 Powell St are below limit of reporting. HMC advise that samples from 6 and 8 Powell St recorded results below limit of reporting. 10 Powell has levels of Dieldrin and Aldrin that are below HILs for Residential D type development (minimal soil access) that would satisfy the proposed development however the levels intercepted do exceed Residential A type development.

As the soil material being removed from the site as a result of the basement excavation may be used on a site that is a more sensitive landuse (Residential A), this material will be stockpiled and incorporated into the bagged fill material used to stabilise the excavation behind the sheet piling, incorporated under the driveway or pathways. Note that this material is not permitted to be incorporated or disposed of within landscaping on the site.

The excavated area will incorporate the majority of the site. No area has been designated to hold this contaminated material (150mm soil depth beneath the dwelling). A condition requiring the final location and quantity of the contaminated material contained on site is recommended.

**(a) (v) Any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#))**

Tweed Shire Coastline Management Plan 2005

Responsible for the management of the Tweed coastline, Tweed Shire Council must manage the coast in a sustainable manner into the future, balancing natural, cultural, social and economic values. The Tweed Shire Coastline Management Plan provides Council with an integrated management planning framework that aims for a balance between the long term use of the coastline and its conservation.

The site is not covered by the policy.

#### Tweed Coast Estuaries Management Plan 2004

The Tweed Coast estuaries of Cudgen, Cudgera and Mooball Creeks, situated south of the Tweed River mouth between Kingscliff and Wooyung, are small barrier estuaries, highly regarded by the local communities, with substantial productivity and biodiversity values.

The 1997 Estuary Management Plan began a formal long-term management phase for the three systems. Implementation of the recommendations has been reliant on funding and support. The Plan has provided a good basis for the next phase of managing the three estuaries of Cudgen, Cudgera and Mooball Creeks, with a number of projects underway.

This Estuary Management Plan integrates the conclusions of the Review of Implementation of the 1997 Plan, a summary of documents, policies and significant developments around the estuaries since 1997, and the contributions of community members who attended the community consultation meetings.

The site is not covered by the policy.

#### Coastal zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

Existing estuary management plans for the Cobaki and Terranora Broadwaters, implemented over the past decade, are in need of revision to incorporate new scientific knowledge, changes to the physical environment and recent legislative and policy changes. A revision of the management plans is also timely given the proposed large scale urban development planned for the catchment. The Plans have been updated in accordance with the NSW Coastal Policy 1997, consistent with all other relevant environmental planning instruments, and aim to provide strategies that will contribute to meeting relevant targets in the Northern Rivers Catchment Action Plan.

The site is not covered by the policy.

**(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

A number of the matters identified above have previously been discussed throughout the report, it is determined that the proposed development will not impact upon the natural or built environment or have detrimental social or economical impact on the locality when considering those matters.

The proposal is considered unlikely to generate any adverse environmental impacts subject to recommended conditions.

**(c) Suitability of the site for the development**

A number of the matters identified above have previously been discussed throughout the report, with it determined that the proposed development is suitable for the site when considering those matters.

#### Surrounding Land Uses/Development

The site is considered suitable for the proposed development as the proposal is similar to other developments existing in the vicinity. The proposal is unlikely to contradict the character and amenity of the area. It is therefore found that it is an acceptable land use for the subject site and represents an efficient and sustainable use of urban lands.

#### **(d) Any submissions made in accordance with the Act or Regulations**

The application was notified for a period of 30 days from Wednesday 6 July 2011 to Friday 5 August 2011. During this period Council received one (1) submission objecting to the proposal. The issues raised in the submission are tabled below, as well as with a response to the issues. It is pertinent to note that the objection was received from the owner of the seniors living development located adjacent to the proposed development site at 9-11 Powell Street and 10-11 Florence Street, known as 'Serene'.

ISSUE	RESPONSE
The proposed nine (9) storey building height exceeds the six (6) storey height limit.	The proposed development has been redesigned with a reduced building height to a partial seven storey building with a consistent height of surrounding developments of the same nature.
Overshadowing of roof top garden.	The distance between the two buildings will negate roof top overshadowing
Amenity on roof top garden – privacy.	The separation distances will negate adverse privacy impacts

#### **Department of Planning NSW – concurrence**

The application was referred to the Department of Planning NSW for concurrence. The department advised that the department concurrence was not required, and that Council could assume the Director General's concurrence in relation to the SEPP 1 objection to the building height standard.

#### **NSW Office of Water**

The application was integrated with the NSW Office of Water for approval for de-watering. The NSW Office of Water provided their schedule of conditions which have been added to the recommended development consent.

#### **(e) Public interest**

The proposed development is considered not to negate the public's interest subject to recommended conditions. The proposal is permissible with consent and generally consistent with all relevant policies. The proposal is considered suitable for the subject site and also considered not to create a significant



adverse impact on the natural or built environments or have detrimental social or economical impact on the locality.

**OPTIONS:**

1. Refuse the application and provide reasons for refusal.
2. Approve the application subject to recommended conditions.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**CONCLUSION:**

The proposal is permissible with consent and generally consistent with all relevant policies. The proposal is considered suitable for the subject site and also considered not to create a significant adverse impact on the natural or built environments.

**UNDER SEPARATE COVER:**

NIL.

**RECOMMENDATION:**

That Development Application DA11/0304 for seniors living - seventy seven (77) units (JRPP) at Lots 116, 115, 114, 113 DP 237806, No. 6-12 Powell Street Tweed Heads, be approved subject to recommended conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos B-01/B, B-02/B, B-03/B, B-04/B, B-05/B, B-06/B, B-07/B, B-08/B, B-09/B, C-01/B, C-02/B, C-03/B, C-04/B, D-01/B, D-02/B prepared by BOSS and dated January 2012, except where varied by the conditions of this consent.
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0005]
3. 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]
4. 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 any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring. [GEN0135]

[GEN0180]

5. 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 Councils adopted Fees and Charges.

[GEN0190]

6. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

7. The proposal shall comply with the provisions of State Environmental Planning Policy (Housing for seniors or people with a disability) 2004.

[GENNS01]

8. The development subject to this consent is approval for 77 units, made up of 55 one bedroom units and 22 two bedroom units. The ancillary services provided by the subject development (pool, café, bar etc) are for use by the residents and their guests only and not to be used by the general public.

[GENNS02]

9. The development must incorporate 15% of the site as deep soil zone.

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

10. The developer shall provide 69 parking spaces including parking for the disabled, an ambulance bay and a bus bay, in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. The applicant is also required to provide a car wash bay - which can be cross-utilised as a short term visitor parking bay, utilising one of the proposed visitor parking spaces. Details to be included with the construction certificate application.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate.

[PCC0065]

11. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, 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 include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:  
 166.5 Trips @ \$815 per Trips \$135698  
 (\$815 base rate + \$0 indexation)  
 S94 Plan No. 4  
 Sector1\_4

### 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 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. 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:

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

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)

\\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin.      Administration component - 5% - see Section 6.5

- (b) Open Space (Casual):  
 41.375 ET @ \$526 per ET \$21763  
 (\$502 base rate + \$24 indexation)  
 S94 Plan No. 5
- (c) Shirewide Library Facilities:  
 41.375 ET @ \$792 per ET \$32769  
 (\$792 base rate + \$0 indexation)  
 S94 Plan No. 11
- (d) Bus Shelters:  
 41.375 ET @ \$60 per ET \$2483  
 (\$60 base rate + \$0 indexation)  
 S94 Plan No. 12
- (e) Eviron Cemetery:

- |   |            |
|---|------------|
| 41.375 ET @ \$120 per ET<br>(\$101 base rate + \$19 indexation)<br>S94 Plan No. 13  | \$4965     |
| (f) Community Facilities (Tweed Coast - North)<br>41.375 ET @ \$1325 per ET<br>(\$1305.6 base rate + \$19.4000000000001 indexation)<br>S94 Plan No. 15  | \$54822    |
| (g) Extensions to Council Administration Offices<br>& Technical Support Facilities<br>41.375 ET @ \$1772.82 per ET<br>(\$1759.9 base rate + \$12.9199999999998 indexation)<br>S94 Plan No. 18 | \$73350.43 |
| (h) Cycleways:<br>41.375 ET @ \$451 per ET<br>(\$447 base rate + \$4 indexation)<br>S94 Plan No. 22   | \$18660    |
| (i) Tweed Heads Master Plan:<br>58.41176 MDU @ \$1047 per MDU<br>(\$1047 base rate + \$0 indexation)<br>S94 Plan No. 27   | \$61157.12 |

[PCC0215/PSC0175]

## 12. 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 ilometer 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:-

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

where:

\$Con<sub>TRCP - Heavy</sub> heavy haulage contribution

and:

Prod. Projected demand for extractive material to be hauled to/from the site over life of project in kilometres

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

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

Admin. Administration component - 5% - see Section 6.6

[PCC0225/PSC0185]

13. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.  
Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, 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:

Water DSP4: 27.07 ET @ \$11571 per ET \$313227

Sewer Banora: 43.12 ET @ \$5560 per ET \$239747.2

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

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

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

[PCC0265/PSC0165]

14. A detailed landscape plan containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species must be submitted to and approved by the General Manager or delegate. The plan shall be prepared by a landscape architect or landscape consultant to a standard acceptable to the General Manager or delegate. The plan shall include the following documentation -.

Street Trees:

- The landscape plan is to incorporate a number of street trees capable of growing to a mature height of no less than 5.0m with the

species selected in consultation with Council's Landscape Architect. These street trees would then provide definition to street edge and improve the streetscape amenity of Powell and Florence Street.

The roof top garden, as the primary area of outdoor amenity space is to:

- Incorporate wind shield measures to ensure greater occupant comfort level and therefore increase usability;
- Incorporate an area on the rooftop where the occupants can use to grow herbs and vegetables (raised planter boxes), rather than all ornamental landscaping;
- Incorporate a more robust fixed shade structure on the roof. Sail cloth which is subject to significant UV exposure and high winds has a limited lifespan and will rip regularly requiring replacement. A more integrated shade structure on top of the roof would also provide more resolution to the overall building form. This could then provide opportunity for solar and rainwater collection for reuse on the roof landscape areas.
- Consider a deeper pool, 500mm as currently proposed would limit its usability.

### **Site Plan**

- a) Building elevations from the main aspects of both street frontages and neighbouring properties, with a montage of completed landscaping overlain.
- b) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.
- c) The landscape plan is to clearly show:
  - the extent of permanent excavation for basement carparking and any remaining deep soil zones in relation to proposed landscaped areas, as well as the outline of proposed buildings indicating doors and windows.
  - any trees to remain in the vicinity, which must be marked as such and are to be located to scale and identified by botanical and common names.
  - Existing and proposed ground levels indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained in the vicinity (if applicable).
  - Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
- d) A detailed plant schedule and plan at a scale of 1:100 to 1:500 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site and including:
  - species listed by botanical and common names, with a minimum of 80% of plants constituting local native species;
  - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
- e) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.

### **Construction Details**

- f) Standard construction and details drawings for all hard landscape components including planter boxes (including width and depth), paving, edging, fencing, screening, panels, retaining walls and other. As far as

possible deep root zones must be provided for trees and paving is to be porous.

#### **Maintenance Details**

- g) A maintenance schedule and methodology for watering, weeding and fertilising is required including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum establishment period of one year after completion of landscaping on site.
- h) A replacement strategy for failures in plant materials and built landscape works is required.

#### **Plant Selection**

- i) The majority of plants (minimum 80%) must constitute local native species,
- j) No more than three species of palm are to be used and palms are to be replaced with local native trees wherever soil depth enables.

[PCCNS001]

15. 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 - and in this regard the ground floor access to the proposed Fire Stairs adjoining the internal bus bay will need to be modified to provide the appropriate protection. Details are to be shown on the construction certificate application.

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.

Installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 "*National Plumbing and Drainage – Part 3.2: Stormwater Drainage – Acceptable Solutions*"

[PCC0685]

16. 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) The minimum habitable floor level for the building is RL 3.1m AHD.
  - (c) All building materials used below Council's design flood level must not be susceptible to water damage.
  - (d) 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.

- (e) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage. [PCC0705]
17. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements. [PCC0735]
18. 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) Construction of two (2) vehicular footpath crossings in Powell Street, with the northern ingress / egress driveway being 6m wide at the boundary, and the southern egress-only driveway being 4.5m wide at the boundary.
- (b) Removal of all redundant vehicular footpath crossings and laybacks along both road frontages, and replacement with kerb and gutter to match existing. Appropriate footpath restoration will also be required, including turfing where necessary.

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]
19. 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]
20. 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]
21. 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]

22. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
  - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

23. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

24. 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]

25. 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. 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]

26. An application 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 water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

27. 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]

28. 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]

29. 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]

30. 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]

31. A detailed Acoustic Assessment Investigation and Noise Management Plan prepared by a suitably qualified acoustic engineer is to be undertaken and prepared in respect to the proposed development. The Acoustic Assessment Investigation and Noise Management Plan shall detail how noise from onsite activities will be managed and controlled so as to prevent the generation or emission of intrusive or offensive noise and shall consider but not be limited to the following: kitchen and bar, indoor/outdoor swimming pool, spa, multi-

function room, cinema, cafe, barbeque areas, steam room, gym, day spa and consulting rooms, delivery vehicles including refrigerated vans, minibus operations and work bay/work shop, plant room, air conditioning, mechanical ventilation and any other associated plant or equipment with the potential to emit intrusive or offensive noise. The Acoustic Assessment Investigation and Noise Management Plan shall be submitted to council's General Manager or delegate for consideration and approval prior to the issue of the Construction Certificate.

[PCCNS01]

32. Prior to the construction certificate being issued a completed application form with payment of the required fee shall be submitted together with plans drawn to a scale of 1:50 detailing the following with regards to all food related areas to Council's Environmental Health Officers for assessment and approval.

- a. Floor plan
- b. Layout of kitchens and bar showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- d. Hydraulic design in particular method of disposal of trade waste
- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- f. Servery areas including counters etc.

[PCCNS01]

33. Ensure the application of universal design principles and "Australian Standard AS 1428 (Parts 1-4) - Design for access and mobility" as they relate to seniors living including but not limited to adequate corridor and door widths, ease of access and egress, specification of appropriate hardware such as hinge lift outward opening doors to bathrooms, age sensitive door locks, light switches, lever taps and grab rails in bathrooms.

[PCCNS02]

34. The internal layout of the ground floor dining area is also to include a common lounge area capable of fulfilling a number of roles such as audio/visual events, meetings and social gatherings. A space which will foster a sense of community within the aged care building.

[PCCNS02]

35. Every west and east facing unit to have openable solar shading devices to be integrated as part of the balcony design establishing a thermal buffer to the hot morning and afternoon summer sun, as well as encouraging the integration of internal with external spaces;

[PCCNS02]

36. Corridors are to have openable windows at either end to allow for natural ventilation. Units that do not have a dual aspect are to have high level openable louvers which open onto the corridor;

[PCCNS02]

37. The juxtaposition of basement car parking ventilation and outdoor amenity areas is not acceptable. As such the ventilation grates which adjoin the balcony spaces of the east facing units are to be removed and an alternative location for basement ventilation grates and/or alternate basement ventilation system to be proposed.

[PCCNS02]

38. A material sample board depicting the elevation and material finishes is to be submitted to Council for approval by the General Manager or delegate prior to the issuing of a construction certificate. This materials sample board and accompanying elevations would then form a criteria considered prior to the issuing of an occupation certificate. This is to ensure that the chosen materials and architectural detailing are not 'value engineered out' during the

design development, tender and construction phases of design and the approved standard of material finishes and architectural detail is achieved.

[PCCNS02]

39. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Land Titles Office and documentary evidence of this provided to the Principal Certifying Authority, prior to issue of a construction certificate.

[PCCNS03]

40. Prior to the issuing of a Construction Certificate, a construction waste management plan is to be submitted and approved by Council. The Construction Waste Management Plan is to include:

The type of waste generated during construction

The method and location of waste storage on site

How any recyclable materials will be managed

The location of the disposal facility for residual waste

*NOTE: During the construction phase it is the responsibility of the site manager to ensure that any approved waste management measures are inspected and maintained on a daily basis.*

[PCCNS03]

41. Ongoing waste management practices on the site shall be carried out in accordance with the approved Operational Waste Management Plan prepared by Planit Consulting Pty Ltd, dated December 2011.

[PCCNS03]

42. Signage is to be provided to advise that visitor parking is available in the basement. The subject signage is to be submitted to Council and approved by Council's General Manager or Delegate prior to the issue of a construction certificate.

[PCCNS04]

43. The proponent shall submit to Council for approval details of measures that will be used to prevent any damage to Council's sewer mains adjoining the site, within the Powell and Florence Street footpath areas. This information is to be provided and approved prior to the issue of any construction certificate for the site.

Note: there is a distinct possibility that the excavation works could result in damage to these sewers, or that if sheet piling is used, the piling operation may damage the sewers. If sheet piling is used but does not become a permanent part of the installation and is removed, the action of removal may also damage Council's sewer.

The applicant shall also provide to Council before and after CCTV surveys of the sewer mains to demonstrate that no damage has been caused by the work in close proximity to the sewer. The applicant shall be responsible for making good any damage caused to the sewer main.

44. Prior to the issue of a construction certificate and finalisation of a Stormwater Management Plan for the development, the applicant is required to demonstrate that the downstream stormwater drainage system has unutilised or uncommitted capacity greater than the increased peak stormwater discharge from the site.

45. It is noted that the 'Basix' Certificates for the development includes a small 3000 L rainwater tank and 90 m<sup>2</sup> connected roof area which will provide a measure of potable water demand reduction. The applicant is required to provide a significantly larger rainwater tank and connected roof area and plumb it for use in toilet flushing at least in common areas and possibly for

toilet flushing and laundry use in units so as to maximise potable water savings rather than just meet the minimum 'Basix' target. Details to be submitted to the General Manager or his delegate for approval prior to issue of the construction certificate.

[PCCNS05]

#### **PRIOR TO COMMENCEMENT OF WORK**

46. 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.

[PCW0005]

47. **Prior** to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

(a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or

(b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

(c) WorkCover Regulations 2000

[PCW0025]

48. 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]

49. 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 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.

[PCW0215]

- 50. 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.

[PCW0225]

- 51. 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:
  - (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]

- 52. **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]

- 53. 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]

- 54. 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]

55. All roof waters are to be disposed of through properly jointed pipes to the street rainwater disposal system, in accordance with an approved hydraulic design, to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

56. 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]

57. 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.

[PCWNS01]

58. 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.

[PCWNS02]

59. The names and 24 hour contact phone numbers of the site manager, project manager and all other persons provided with responsibilities under the provisions of the Dewatering Management Plan prepared by HMC Environmental dated June 2011 (Ref: HMC 2011:038) shall be provided to Council's Environmental Health Officer prior to the commencement of dewatering operations.

[PCWNS03]

#### **DURING CONSTRUCTION**

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

[DUR0005]

61. 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]

62. 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]
63. 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]
64. 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]
65. 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]
66. 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]
67. 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]
68. 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]
69. 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]
70. 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]

71. 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]

72. 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]

73. All works shall comply with the Pre-Demolition Soil Contamination Investigation prepared by HMC Environmental and dated April 2008 Ref: HMC 2008.021A and additional information dated 27 February 2012. Sub-slab contaminated material shall not be placed in or below the groundwater table. Upon completion of sub-slab remediation (placement) works on site, Council shall be provided with a post remediation validation report to the satisfaction of the General Manager or his delegate. The validation report shall also indicate the location and containment depth of all contaminated material contained on site in accordance with the provisions of the above referenced documents. The validation report shall be submitted to councils General Manager or delegate for consideration and approval prior to the issue of the Occupation Certificate.

[DUR0685]

74. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

75. 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]

76. 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]

77. 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]

78. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.  
[DUR1015]
79. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.  
[DUR1045]
80. A certificate is to be submitted by a Registered Surveyor certifying that the lowest habitable floor areas (ground floor) are constructed above RL 3.1 metres AHD, to the Principal Certifying Authority prior to proceeding past ground floor level, to ensure that appropriate flood immunity is provided.  
[DUR1365]
81. Subject to the requirements of the local electricity authority, all electrical wiring, power 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 shall be provided with earth leakage devices.  
[DUR1415]
82. The lowest habitable floor areas of the building are to be at a level not less than RL 3.1m AHD.  
[DUR1435]
83. 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]
84. 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]
85. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.  
[DUR1515]
86. 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.  
[DUR1545]
87. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.  
[DUR1565]

88. 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.  
[DUR1575]
89. 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.  
[DUR1605]
90. The walls and floors of the premises must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned.  
[DUR1615]
91. 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.  
[DUR1625]
92. 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.  
[DUR1645]
93. The hair dressing premises shall be constructed in accordance with the provisions of Part 2 of Schedule 2, Standards for Hairdressers premises, under the Local Government (General) Regulation 2005.  
[DUR1655]
94. 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.  
[DUR1685]
95. 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.  
[DUR1725]
96. 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]
97. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.  
[DUR1845]
98. 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]

99. 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]
100. 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]
101. 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]
102. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 – 2007 & AS 1926.3 - 2003. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au))
  - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
  - (c) 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.
  - (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008. [DUR2075]
103. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
104. 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]
105. 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]
106. 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]
107. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.  
Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.  
  
This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated. [DUR2375]
108. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall

nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

109. 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]

110. 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]

111. 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]

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

[DUR2505]

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

[DUR2515]

114. 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]

115. 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]

116. 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]

117. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located and installed 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 **NSW Protection of the Environment Operations (Noise Control) Regulation 2008**.

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

118. 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]
119. 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]
120. 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.  
[POC0225]
121. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.  
[POC0435]
122. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.  
[POC0475]
123. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.  
[POC0615]
124. 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.  
[POC0625]
125. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.  
[POC0635]
126. 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.  
[POC0745]
127. 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.  
[POC0985]
128. Prior to issue of an Occupation Certificate, all water sensitive design facilities are to be completed in accordance with the approved Water Management Plan.  
[POC0995]
129. 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.  
[POC1045]

130. Prior to issue of an Occupation Certificate, the applicant shall provide to Council a CCTV survey of the sewer main infrastructure within the footpath areas of Powell and Florence Streets, to demonstrate that no damage has been caused by the work in close proximity to the sewer. The applicant shall be responsible for making good any damage caused to the sewer main.

[POCNS01]

131. Prior to issue of an Occupation Certificate, any existing concrete footpath damaged during construction of the development shall be reinstated to the satisfaction of Council.

[POCNS02]

132. In acknowledgement of the fact that there are insufficient parking spaces to allocate one to each unit, and the likelihood that some of the future residents will not have a motor vehicle, it is recommended that each unit should not be sold / leased with an accompanying space - but that car spaces are individually attributed to units as they are occupied.

The applicant is required to formally address this issue prior to the issue of an Occupation Certificate.

Allocation of parking spaces in this manner should also assist in 'freeing up' extra car spaces for visitor parking.

[POCNS03]

133. A revised Flood Response Assessment Plan is required to be created prior to issue of an Occupation Certificate or commencement of use, as the submitted Plan does not reflect the amendments made to the proposed development during the assessment phase.

The information in this Plan will need to be conveyed to all future occupiers and staff, to ensure they are all aware of their rights and responsibilities in the event of an extreme flood, since the Plan will nominate the necessary sharing of short term accommodation.

Section 88B (Conveyancing Act 1919) Covenant(s) shall be placed over the subject land to ensure that all measures in the "Flood Response Assessment Plan" shall be enforced in perpetuity, in compliance with the flood emergency response provisions of Council's DCP Section A3 and Flood Risk Management Policy.

[POCNS04]

## **USE**

134. 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]

135. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

136. 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]

137. 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]
138. All loading/unloading to take place within the boundary of the subject property.  
[USE0525]
139. 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]
140. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.  
[USE0845]
141. 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 operated in accordance with the requirements of Part 3, Clause 9 of the Public Health (Microbial Control) Regulation 2000.  
[USE0935]
142. 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 maintained in accordance with the requirements of Part 4, Clauses 11, 12 and 13 of the Public Health (Microbial Control) Regulation 2000, and a certificate to confirm that the regulated system is being maintained shall be submitted to Council on a 12 Monthly basis.  
[USE0945]
143. Any person carrying out skin penetration on the premises shall cause a copy of the NSW Health Guidelines on Skin Penetration and also a copy of the NSW Health, Skin Penetration Code of Best Practice to be kept on the premises.  
[USE0955]
144. The carrying out of any skin penetration procedure as defined in Section 51(3) of the Public Health Act 1991 is prohibited without the prior approval of Council's Environmental Health Officer.  
[USE0960]
145. The swimming pool and spa shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation* 2000 and the current NSW Health Public Swimming Pool and Spa Pool Guidelines.  
[USE0985]
146. Clinical wastes shall be separated from the general waste stream and disposed via a clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes to the satisfaction of the General Manager or his delegate.  
[USE0995]
147. The premises must be provided with facilities that are adequate for the purpose of keeping towels, appliances, utensils and the like clean.  
[USE1005]
148. Suitable receptacles with close fitting lids must be provided and maintained in a clean and serviceable condition for soiled towels and trade wastes.  
[USE1015]
149. A sharps container shall be provided for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected by an authorised medical waste collection service to the satisfaction of Council's General Manager or his delegate.  
[USE1025]



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

[USE1305]

**GENERAL TERMS OF APPROVAL UNDER SECTIONS 89, 90 & 91 OF THE WATER MANAGEMENT ACT 2000 (Water use approval, water management work approval or activity approval under Part 3 of Chapter 3)**

**SCHEDULE OF CONDITIONS FOR TEMPORARY DEWATERING  
DEVELOPMENT APPLICATION NUMBER \_\_DA11/0304**

- All works shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works are to be constructed in accordance with Report HMC 2011.038 Preliminary Acid Sulfate Soil Investigation and Dewatering Management Plan June 2011 and/or with conditions of development consent.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- All 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 shall be taken.
- The water extracted shall not be used for any purpose other than temporary construction dewatering.
- Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that water.
- Polluted water shall not be discharged into a river or lake other than in accordance with the conditions of a licence granted under the Protection of the Environment Operations Act 1997
- Tailwater drainage shall not be allowed to discharge onto adjoining roads, Crown land or other persons land, or into any river as defined in the Water Act 1912, or a groundwater aquifer, by surface or sub-surface drains or pipes or any other means.
- Water must not be discharged 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.
- The ph of any water extracted must be tested prior to the commencement of discharge and at least twice daily thereafter and a record kept of the date, time and result of each test in the site log.
- Works used for the purposes of conveying, distributing or storing water from the dewatering work shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.
- Authorised officers of the NSW Office of Water (NOW), or any other duly authorised officer, must be granted unrestricted access to the works either during or after construction, for the purpose of carrying out any inspection or test of the of the works and its fittings or to take samples of water or material in the work.
- Any works deemed necessary by NOW for the protection or proper maintenance of the works, or for the control of the water extracted or

prevention of pollution of groundwater, shall be undertaken on instruction to do so

- A record shall be maintained of the actual volume of groundwater pumped (in kilolitres or megalitres) from the dewatering works, the discharge rate (in litres per second) and duration of pumping (number of days) and this information is to be provided to NOW if and when requested.
- A record shall be maintained of the actual volume and quality of any tailwater generated by the dewatering and this information is to be provided to NOW if and when requested.
- A record shall be maintained of the groundwater levels beneath and around the construction site throughout the duration of the dewatering and for a period of at least two (2) months following cessation of the required pumping, and this information is to be provided to NOW if and when requested.
- NOW may request the provision of interim information relating to the records described in the above three (3) conditions at any time during construction.