

# MINUTES OF THE NORTHERN JOINT REGIONAL PLANNING PANEL MEETING HELD AT TWEED SHIRE COUNCIL ON FRIDAY, 20 APRIL 2012 AT 9.30AM

## PRESENT:

Garry West	Chair
John Griffin	Panel Member
Bruce Clarke	Panel Member
Robert Quirk	Panel Member

## IN ATTENDANCE

Lindsay McGavin	Tweed Shire Council
Vince Connell	Tweed Shire Council
Ann Mesic (Minute Secretary)	Tweed Shire Council

## APOLOGY: Ned Wales

1. The meeting commenced at 9.30am.

## 2. Declarations of Interest

John Griffin stated that he co-chaired the State Government taskforce for the redevelopment of the Tweed Heads CBD which incorporates this area to set the planning controls.

## 3. Business Items

### ***ITEM 1 - 2011NTH022 – Tweed Shire Council – Seniors Living Development, 6-9 Powell Street, Tweed Heads***

## 4. Public Submission

Nil

## 5. Business Item Recommendations

### ***ITEM 1 - 2011NTH022 – Tweed Shire Council – Seniors Living Development, 6-9 Powell Street, Tweed Heads***

Motion:

*That Development Application DA11/0304 for seniors living - seventy seven (77) units (JRPP) at Lots 113-116 DP 237806, Nos. 6-12 Powell Street, Tweed Heads be approved subject to the following recommended conditions (as amended herein):*

## 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.*

[GEN0005]

2. *The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.*  
[GEN0115]
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.*  
[GEN0135]
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.*  
[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. *A plan is to be submitted to Council for approval by the General Manager or delegate demonstrating compliance with the minimum requirements of SEPP Seniors Living for solar access to the living space and private open space of the individual units.*
11. *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 and compliance with the requirements of SEPP Seniors Living for Disabled car parking spaces in terms of the dimensions and quantity 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]
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 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:-

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

where:

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

and:

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

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

*\\$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 (\$60 base rate + \$0 indexation) S94 Plan No. 12	\$2483
(e)	Eviron Cemetery: 41.375 ET @ \$120 per ET (\$101 base rate + \$19 indexation) S94 Plan No. 13	\$4965
(f)	Community Facilities (Tweed Coast - North) 41.375 ET @ \$1325 per ET (\$1305.6 base rate + \$19.4000000000001 indexation) S94 Plan No. 15	\$54822
(g)	Extensions to Council Administration Offices & Technical Support Facilities 41.375 ET @ \$1772.82 per ET (\$1759.9 base rate + \$12.9199999999998 indexation) S94 Plan No. 18	\$73350.43
(h)	Cycleways: 41.375 ET @ \$451 per ET (\$447 base rate + \$4 indexation) S94 Plan No. 22	\$18660
(i)	Tweed Heads Master Plan: 58.41176 MDU @ \$1047 per MDU (\$1047 base rate + \$0 indexation) S94 Plan No. 27	\$61157.12

[PCC0215/PSC0175]

13. **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:-

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

where:



- 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]

16. 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]*

17. *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]*

18. *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]*

19. *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]

20. 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]

21. 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]

22. 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]

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

- 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.
- 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.
- The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- Specific Requirements to be detailed within the Construction Certificate application include:
  - Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

24. 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.

- 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.
- 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]

25. *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]
26. *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]
27. *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]
28. *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]
29. *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]
30. *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]
31. *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]
32. *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]

33. *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.*
34. *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.*
35. *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.*
36. *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;*
37. *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;*
38. *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.*
39. *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.*
40. *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]

41. 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]
42. 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]
43. 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]
44. 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.
45. 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.
46. 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**

47. 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]
48. **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]

49. *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]

50. *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]

51. *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]

52. *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]

53. ***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]*

54. *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]*

55. *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]*

56. *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]*

57. *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]*

58. *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]*

59. *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]*

60. *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**

61. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications. [DUR0005]
62. 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]
63. 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<sub>Aeq, 15 min</sub>* 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<sub>Aeq, 15 min</sub>* 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]
64. 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]
65. 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]
66. 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]
67. 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]
68. 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]
69. 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]
70. 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]

71. *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]
72. *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]
73. *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]
74. *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]
75. *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]
76. *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]
77. *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]
78. *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]
79. *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]
80. *Landscaping of the site shall be carried out in accordance with the approved landscaping plans.* [DUR1045]
81. *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]

82. *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]

83. *The lowest habitable floor areas of the building are to be at a level not less than RL 3.1m AHD.*

[DUR1435]

84. *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]

85. *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]

86. *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]

87. *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]

88. *A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.*

[DUR1565]

89. *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]

90. *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]

91. *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]

92. *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]

93. *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]



94. *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]
95. *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]
96. *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]
97. *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]
98. *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]
99. *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]
100. *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]
101. *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]
102. *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]
103. *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]
104. *Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.*  
[DUR2085]

105. *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]
106. *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]
107. *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]
108. *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]
109. *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]
110. *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]
111. *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]
112. *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]
113. *An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.*  
[DUR2505]
114. *Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.*  
[DUR2515]
115. *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]

116. 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]
117. 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.

118. 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**. [DUR2555]  
[DUR2835]

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

119. 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]
120. 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]
121. 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]
122. 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]
123. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [POC0475]
124. 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]
125. 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]
126. 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]
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 works required under Section 138 of the Roads Act 1993. [POC0745]
128. 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.

129. Prior to issue of an Occupation Certificate, all water sensitive design facilities are to be completed in accordance with the approved Water Management Plan. [POC0985]
130. 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. [POC0995]
131. 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. [POC1045]
132. 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. [POCNS01]
133. 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. [POCNS02]  
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.
134. 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. [POCNS03]  
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**

135. 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]
136. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises. [USE0145]
137. 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]
138. 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]

[USE0225]

139. All loading/unloading to take place within the boundary of the subject property. [USE0525]
140. 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]
141. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements. [USE0845]
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 operated in accordance with the requirements of Part 3, Clause 9 of the Public Health (Microbial Control) Regulation 2000. [USE0935]
143. 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]
144. 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]
145. 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]
146. 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]
147. 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]
148. The premises must be provided with facilities that are adequate for the purpose of keeping towels, appliances, utensils and the like clean. [USE1005]
149. Suitable receptacles with close fitting lids must be provided and maintained in a clean and serviceable condition for soiled towels and trade wastes. [USE1015]
150. 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]
151. 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.*

**Moved** John Griffin   **Seconded** Robert Quirk

**MOTION CARRIED UNANIMOUSLY**

6. The meeting concluded at 9.44am.

Endorsed by

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive style with a large 'G' and a stylized 'W'.

Garry West  
Chair, Northern  
Joint Regional Planning Panel  
24 April 2012