

# MINUTES OF THE NORTHERN JOINT REGIONAL PLANNING PANEL MEETING HELD AT TWEED SHIRE COUNCIL ON THURSDAY 16 AUGUST 2012 AT 11.00AM

## PRESENT:

Garry West  
Pamela Westing  
John Griffin  
Ned Wales

Chair  
Panel Member  
Panel Member  
Panel Member

## IN ATTENDANCE

Colleen Forbes  
Lindsay McGavin  
Ann Mesic (Minute Secretary)

Tweed Shire Council  
Tweed Shire Council  
Tweed Shire Council

## APOLOGY: Robert Quirk

1. The meeting commenced at 10.55am.

## 2. Declarations of Interest

Nil

## 3. Business Items

***ITEM 1 - 2011NTH038 – Tweed Shire Council – DA11/0582 - Staged redevelopment of Tweed Heads Bowling Club, 22-38 Florence Street, Tweed Heads***

## 4. Public Submission

Nil

## 5. Business Item Recommendations

***ITEM 1 - 2011NTH038 – Tweed Shire Council – DA11/0582 - Staged redevelopment of Tweed Heads Bowling Club, 22-38 Florence Street, Tweed Heads***

Motion:

That:

1. State Environmental Planning Policy No. 1 objection to Clause 16 of the Tweed Local Environmental Plan 2000 regarding building height be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA11/0582 for a staged redevelopment of Tweed Heads Bowling Club (4 stages) including formalising detached car park, construct new multi level car park, alterations and additions to existing club and construct seniors living development comprising 91 self-contained units (JRPP) at Lot 12 DP 803451 22-38 Florence Street, Lot 61 DP 237806, Lot 1 DP 549328, Lot 2 DP 549328 and Lot 64 DP 237806 No. 58-64 Wharf Street, TWEED HEADS, be approved subject to the following conditions as amended:

## GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:

- **Dwg 1019/DA/0.02 (Rev B)** - Proposed Precinct Plan, prepared by WBP Architects and dated 4 May 2012;
- **Dwg 1019/DA/2.01 (Rev B)** - Seniors Living Site / Level 1 (Ground Floor), prepared by WBP Architects and dated 4 May 2012;
- **Dwg 1019/DA/2.02 (Rev B)** - Seniors Living Basement Plan, prepared by WBP Architects and dated 4 May 2012;
- **Dwg 1019/DA/2.03 (Rev B)** - Seniors Living Level 2, 3, 4 Floor Plans, prepared by WBP Architects and dated 8 May 2012;
- **Dwg 1019/DA/2.04 (Rev A)** - Seniors Living Roof Plan, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/2.05 (Rev A)** - Seniors Living Units Details Plans - Type A, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/2.06 (Rev A)** - Seniors Living Units Details Plans - Type B, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/2.07 (Rev B)** - Seniors Living Units Details Plans - Type C, prepared by WBP Architects and dated 8 May 2012;
- **Dwg 1019/DA/2.08 (Rev C)** - Stage 2 : West Carpark Layout, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/2.09 (Rev A)** - Stage 3 : West Carpark and Club Extension - Ground Floor Plan, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/2.10 (Rev A)** - Stage 3 : West Carpark Basement Plans, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/2.11 (Rev A)** - Stage 3 : Club Extension - Upper Floor Plan, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/3.01 (Rev A)** - Sections: Senior Living, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/3.02 (Rev A)** - Stage 3: West Carpark and Club Extension - Sections & Elevations, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/3.03 (Rev A)** - Stage 2: West Carpark and Club Extension - Sections, prepared by WBP Architects and dated 30 May 2011;
- **Dwg 1019/DA/4.011 (Rev B)** - Coloured Elevations: Senior Living, prepared by WBP Architects and dated 30 May 2011; and
- **Dwg 1019/DA/4.022 (Rev B)** - Coloured Elevations: Senior Living, prepared by WBP Architects and dated 30 May 2011,

except where varied by the conditions of this consent.

[GEN0005]

2. The proposed Convenience Store, Café and Beauty Salon within Stage 4 must each be the subject of a future first use application.

[GEN0035]

3. Advertising structures/signs **specifically relating to the Seniors Living Development (Stage 4)** to be the subject of a separate development application (where statutorily required).

[GEN0065]

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

[GEN0115]

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

[GEN0135]

6. *Sewer manholes are present on this site. These manholes are not to be covered with soil or other material.*

*Should adjustments be required to the sewer manholes, then application shall be made to Council's Community and Natural Resources Division for approval of such works.*

[GEN0155]

7. *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]

8. *Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Council's adopted Fees and Charges.*

[GEN0190]

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

[GEN0265]

10. *The owner is to ensure that the proposed buildings are constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.*

[GEN0300]

11. *Staging of the development is approved as follows:*

*Stage 1 - formalisation of the existing detached car park at 58 - 64 Wharf Street, which will provide 56 spaces.*

*Stage 2 - construction of a new multi level basement car park on the Tweed Heads Bowls Club site, to replace the existing at grade parking area. The new car parking will provide two basement levels, with a total of 179 car parking spaces.*

*Stage 3 - the expansion of the existing Stage 2 basement car park, by providing a third car park at entry level, the expansion of the existing club foyer area, including new Porte Cochere, pedestrian entry from Florence Street and roof façade screen.*

*Stage 4 - construction of a 91 unit serviced self-contained seniors living development, adjacent to Powell Street and Brett Street. The units will be in two separate blocks, built around a central open space core. Car parking will be provided in the basement of each block.*

12. Only the following kinds of people may occupy the development with Stage 4:
- *Seniors or people who have a disability (in accordance of the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
  - *People who live within the same household with seniors or people who have a disability;*
  - *Staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*
- [GENNS02]
13. *No street tree plantings or landscaping in general is permitted within any road reserve, without the written approval from Council's Landscape Architect.*

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

14. *The developer shall provide modified / further parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code, as per the following schedule:*
- *Stage 1: 56 spaces in the upgraded McGregor Crescent parking area.*
  - *Stage 2: 88 spaces in the redeveloped western car park (2 levels).*
  - *Stage 3: 111 spaces in the redeveloped western car park (3<sup>rd</sup> level).*
  - *Stage 4: 145 spaces (11 ground level and 134 basement) plus 4 ancillary spaces for the Seniors Living development fronting Powell Street; as well as modifying the existing eastern car park by removing 4 spaces.*

*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]

15. **Section 94 Contributions**

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

*Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.*

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

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

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

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#### **Stage 3**

- (a) *Tweed Road Contribution Plan:*  
180 Trips @ \$822 per Trips \$147,960  
(\$815 base rate + \$7 indexation)  
S94 Plan No. 4  
Sector1\_4
- (b) *Extensions to Council Administration Offices  
& Technical Support Facilities*  
0.1459 ET @ \$1812.62 per ET \$264.46  
(\$1759.9 base rate + \$52.72 indexation)  
S94 Plan No. 18

**Stage 4**

- (a) *Tweed Road Contribution Plan:*  
278.7 Trips @ \$822 per Trips \$229,091  
(\$815 base rate + \$7 indexation)  
S94 Plan No. 4  
Sector1\_4
- (b) *Shirewide Library Facilities:*  
54.6259 ET @ \$816 per ET \$44,575  
(\$792 base rate + \$24 indexation)  
S94 Plan No. 11
- (c) *Bus Shelters:*  
54.6259 ET @ \$62 per ET \$3,387  
(\$60 base rate + \$2 indexation)  
S94 Plan No. 12
- (d) *Eviron Cemetery:*  
54.6259 ET @ \$121 per ET \$6,610  
(\$101 base rate + \$20 indexation)  
S94 Plan No. 13
- (e) *Community Facilities (Tweed Coast - North)*  
54.6259 ET @ \$1352 per ET \$73,854  
(\$1305.6 base rate + \$46.4 indexation)  
S94 Plan No. 15
- (f) *Extensions to Council Administration Offices  
& Technical Support Facilities*  
54.9104 ET @ \$1812.62 per ET \$99,531.69  
(\$1759.9 base rate + \$52.72 indexation)  
S94 Plan No. 18
- (g) *Cycleways:*  
54.6259 ET @ \$460 per ET \$25,128

- (\$447 base rate + \$13 indexation)  
S94 Plan No. 22
- (h) *Regional Open Space (Casual)*  
54.6259 ET @ \$1064 per ET \$58,122  
(\$1031 base rate + \$33 indexation)  
S94 Plan No. 26
- (i) *Tweed Heads Master Plan:*  
91 MDU @ \$1047 per MDU \$95,277  
(\$1047 base rate + \$0 indexation)  
S94 Plan No. 27

[PCC0215]

#### 16. Section 94 Contributions

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

*Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate for works under Stages 2 or 4 shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.*

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

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

#### **Heavy Haulage Component**

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

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

*where:*

$\text{\$Con}_{TRCP - \text{Heavy}}$  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 7.2 (currently 5.4c per tonne per kilometre)

*Admin.* Administration component - 5% - see Section 6.6

[PCC0225/PSC0185]

17. **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:

### **Stage 3**

Water DSP4:	9 ET @ \$12150 per ET	\$109,350
Sewer Banora:	14.4 ET @ \$5838 per ET	\$84,067.20

### **Stage 4**

Water DSP4:	47.68 ET @ \$12150 per ET	\$579,312
Sewer Banora:	61.915 ET @ \$5838 per ET	\$361,459.80

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

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

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

[PCC0265]

18. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

[PCC0275]

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

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

[PCC0485]

20. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate for each relevant stage. **Landscaping along the Wharf Street frontage for Stage 2 is to incorporate appropriate street trees (in terms of size and scale) compatible with the public domain.**

21. *Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.*

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

*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"*

23. *Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:*

*(a) Stage 1:*

- The three existing driveways in McGregor Crescent and the existing driveway access in Florence Street are to be removed and kerb and guttering reinstated to match existing.*
- Concrete footpaving (1.2m wide minimum) is to be installed for the length of the site on McGregor Crescent and remaining nature strip remediated to Council standards.*
- The new proposed driveway accessing McGregor Crescent is to be installed to Council's standards.*
- Car park lighting should be installed to AS1158 Streetlighting - Carparks and to AS4282 Control of the obtrusive effects of outdoor lighting.*

*(b) Stage 4:*

- The proposed driveway to Powell Street conflicts with an existing telephone booth. Either the driveway is to be relocated (providing opportunity to improve the tight bend near the front boundary), OR the existing telephone booth is to be relocated. This must be resolved to the satisfaction of Council prior to the issue of any construction certificate for Stage 4 works.*
- The existing driveway access is to be removed and kerb and guttering reinstated to match existing.*

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



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

[PCC0895]

24. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

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

[PCC0945]

26. Any sheet piling that utilises ground anchors that extend under public roads or land must not be used unless the applicant or owner enter into a contract regarding liability for the ground anchors and lodges an application under Section 138 of the Roads Act together with an application fee of \$10,000 and a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

[PCC0955]

27. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority **PRIOR** to the issue of any construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

28. 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]

29. *Any 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.*

[PCC1145]

30. *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]

31. *This condition is relevant to Stage 4:*

*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]

32. *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 any construction certificate.*

[PCC1195]

33. *In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.*

[PCC1225]

34. *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]

35. *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]

36. *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]

37. *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]

38. *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]

39. *The club building has been the subject of an alternate solution therefore an appropriately qualified fire engineer is to review the existing Fire Engineered solution by ARUP Fire June 2007 relating to the club building and the proposed building works in light of the recommendations and requirements of the aforementioned report. This engineer is to provide a report in respect of his/her recommendations ensuring an adequate level of fire safety to the building in accordance with the relevant performance criteria of BCA 2011, which is to be submitted to the nominated PCA for assessment and approval prior to the issue of the relevant Construction Certificate.*

[PCCNS01]

40. *The club building has been the subject of an alternate solution by ARUP Fire June 2007 therefore any building works relating to portions of the existing building are to incorporate relevant fire upgrading as required by the aforementioned report. Details of these fire upgrading works are to be submitted to the nominated PCA for assessment and approval prior to the issue of the relevant Construction Certificate. Alternatively a new alternate solution prepared by a suitably qualified fire engineer may be submitted to the nominated PCA for assessment and approval prior to the issue of the relevant Construction Certificate.*

[PCCNS02]

41. *Prior to the issue of a construction certificate for any works associated with the Stage 3 Club extension works, it must be verified by survey that the building extension will not encroach into the existing Right of Carriageway 12m wide and variable that encumbers the site, as created by DP596371. Any encroachment will require extinguishment or relocation of the Right of Carriageway, prior to the issue of a construction certificate.*

[PCCNS03]

42. *Prior to the issue of a construction certificate for any work associated with Stage 4, the availability of a sewer connection must be determined.*

*Records indicate that there may be an existing connection available at manhole 1/25, and if so, both sections of the Seniors Living development are to be connected to it. If not, the proponent will have to apply for the installation of a new junction at a suitable location*

[PCCNS04]

43. *This condition is relevant to Stage 4:*

*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 in Powell and Brett Streets and shall provide to Council before and after video surveys of the sewer mains to demonstrate that no damage has been caused by the work in close proximity to the sewer. The proponent shall be responsible for making good any damage caused to the sewer main.*

44. *This condition is relevant to Stage 4:*

*The swept path vehicle movements for service delivery vehicles and buses be assessed and verified for compliance, for both internal movements and access to and from the site, prior to the issue of any construction certificate for Stage 4 works.*

[PCCNS05]

45. *Details on possible pedestrian movements are to be investigated and possible pedestrian facilities on Powell Street between the proposed development and the Hospital are to be submitted to and approved by Council's General Manager or his delegate prior to the issue of a construction certificate for Stage 4.*

46. *Front wall / fence details (along the Brett Street and Powell Street frontages) are to be submitted and approved by Council's General Manager or his delegate prior to the issue of a construction certificate for Stage 4. The details are to demonstrate a compliant design in terms of height and transparency provisions for residential development.*

47. *Details on the proposed garbage chute for the Seniors Living development are to be submitted to and approved by Council's General Manager or his delegate prior to the issue of a construction certificate for Stage 4.*

48. *Prior to the issue of a construction certificate for Stage 4, detailed documentation shall be submitted to the satisfaction of the Principal Certifying Authority, demonstrating strict compliance with all relevant provisions of the accessibility and usability standards for self contained dwellings (under Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004).*

49. *Prior to the issue of a construction certificate for Stage 4, a construction waste management plan is to be provided to and approved by Council's General Manager or his delegate. The waste management plan is to include:*

*a. Construction*

- i. The type of waste generated during construction*
- ii. The method and location of waste storage on site*
- iii. How many recyclable materials will be managed*
- iv. The location of the disposal facility for residual waste*

*During the demolition and construction phases it is the responsibility of the*

*applicant (via site manager or similar) to ensure that all waste management measures are inspected and maintained on a daily basis.*

- 50. Details are to be submitted for approval by Council's General Manager or his delegate prior to the issue of a Construction Certificate for Stage 2 demonstrating appropriate artistic treatment of the western car park wall. The creative/artistic treatment of the wall is to integrate the car park structure with the streetscape and to mitigate the visual appearance of the western elevation.*
- 51. An external advertising signage scheme and external lighting plan for the Club building is to be submitted for approval by Council's General Manager or his delegate prior to the issue of a Construction Certificate for Stage 2. The signage scheme is to include creative options for activating the street frontage. The external lighting plan is to include any proposed lighting on the western elevation/roof of the club building, with particular regard to minimising impact on residents to the west of Wharf Street.*
- 52. Details are to be submitted for approval by Council's General Manager or his delegate prior to the issue of a Construction Certificate for Stage 4 demonstrating increased articulation of the roof structures for both of the Seniors Living buildings.*

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

- 53. 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]*
- 54. 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]*
- 55. The erection of a building in accordance with a development consent must not be commenced until:*
  - (a) a construction certificate for the building work in any relevant stage 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
- (e) 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]

56. 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]

57. Residential building work:

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

[PCW0235]

58. 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]

59. **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]

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

[PCW0665]

61. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

62. 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]

63. Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site.

The dilapidation reports shall take into consideration the findings of the original reports and provide to Council the written acceptance of the adjoining/adjacent owners confirming agreement that no damages have occurred/repairs carried out are acceptable.

[PCW0775]

64. 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. These measures are to be in accordance with any erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

65. *All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or 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. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.*

[PCW1005]

66. *All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or 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. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.*

[PCW1005]

67. *An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.*

[PCW1105]

68. *Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.*

[PCW1170]

69. *Prior to the commencement of excavation works on site, an amended Dewatering Management Plan shall be prepared and submitted to Council's Environmental Health Officer for consideration and approval addressing the following:*

- *Review the contingency section of the Dewatering Management Plan provided by Precise Environmental dated February 2011 in relation to the feasibility of the discharge of treated groundwater to the sewer. This review shall be undertaken with the relevant section of council and the results reported in the Management Plan. Where it is concluded that discharge to the sewer is not feasible as contingency then other options shall be examined and reported within the Management Plan.*
- *Provide an amended Groundwater Treatment Layout Plan which clearly identifies the location of all reserve treatment areas that are available for the treatment of waters from the dewatering process prior to discharge.*
- *Provision of details regarding post construction monitoring of the groundwater if groundwater is to be discharged to the stormwater system post construction of the basement car parks.*
- *The provision of further details in consideration of the discharge point in relation to the dewatering operations where the discharge point of the dewatering operations is identified as being into the Southern Boat Harbour and the requirement for any additional treatment of groundwater from the dewatering operations as a consequence of any discharge to the Southern Boat Harbour.*

[PCWNS01]

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## **DURING CONSTRUCTION**



70. *All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, approved management plans, drawings and specifications.*
- [DUR0005]*
71. *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]*
72. *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.*  
 *$L_{Aeq, 15 min}$  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.*  
 *$L_{Aeq, 15 min}$  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]*
73. *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]*
74. *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]*
75. *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]*
76. *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]*
77. *Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:*

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

[DUR0385]

78. *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]

79. *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]

80. *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]

81. *Excavation*

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

[DUR0425]

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

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

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

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

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

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

[DUR0435]

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

[DUR0445]

84. *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]*
85. *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]*
86. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.*
- [DUR0815]*
87. *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]*
88. *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]*
89. *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]*
90. *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]*
91. *All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared by HMC Environmental Consulting Reference HMC 2012.052 ASSMP, dated May 2012.*
- [DUR1065]*
92. *This condition is relevant to Stage 4:*
- A survey certificate signed by a registered surveyor is to be submitted to the Principal Certifying Authority at floor stage to certify that the habitable floor levels of the buildings to be at a level of not less than RL 3.1m AHD.*
- [DUR1445]*
93. *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]

94. *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]

95. *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]

96. *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]

97. *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]

98. *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]

99. *Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.*

[DUR1695]

100. *Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.*

[DUR1705]

101. *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]*

102. *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]*

103. *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]*

104. *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]*

105. *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]*

106. *All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.*

*[DUR1955]*

107. *The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.*

*[DUR2015]*

108. *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]*

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

*[DUR2085]*

110. *The spa pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS1926-2007 (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)).*  
[DUR2115]
111. *Spa pools shall have suitable means for the drainage and disposal of overflow water.*  
[DUR2125]
112. *The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.*  
[DUR2135]
113. *The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.*  
[DUR2185]
114. *A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.*  
[DUR2195]
115. *Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.*  
[DUR2205]
116. *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]
117. *The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.*  
[DUR2245]
118. *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]
119. *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]
120. *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]

121. 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]
122. 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]
123. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
124. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
125. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]
126. 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]
127. 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]
128. 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]
129. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
- [DUR2675]

130. *A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement*  
[DUR2685]
131. *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**.*  
[DUR2835]
132. *In the event that Remediation of identified contaminated material is necessary as a consequence of Stage 4 development works then such contaminated material shall be managed in accordance with the Preliminary Remediation Action Plan prepared by HMC Environmental Consulting Reference HMC 2012.052 RAP and dated June 2012 or as amended and approved by Councils Environmental Health Officer.*  
[DURNS01]
133. *The proposed security gate within the basement level of Stage 4 is to be power operated, in accordance with the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004.*  
[DURNS02]
134. *If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment and Climate Change are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.*  
[DURNS03]

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

135. *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]
136. *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]
137. *Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.*  
[POC0755]
138. *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]
139. *This condition is relevant to Stage 4 and must be satisfied prior to occupation or use of Stage 4 works:*  
*A Flood Response Assessment Plan is required for the 'Seniors Living' portion of the site. The information in this plan will need to be conveyed to all future residents and staff, to ensure they are all aware of their required actions and responsibilities in the event of an extreme flood.*



*Section 88B (Conveyancing Act 1919) Covenant(s) shall be placed over the 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.*

[POCNS01]

140. *This condition is relevant to Stage 4:*

*In acknowledgement of 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 car parking 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 occupation or use of the 'Seniors Living' portion of the development.*

[POCNS02]

141. *A protocol is to be established and maintained to manage the relationship between the Seniors Living development and the gambling facilities provided by the Club. The protocol is to demonstrate how harm associated with the misuse and abuse of gambling activities by residents of the Seniors Living development is to be minimized. The protocol is to be incorporated into the management responsibilities of both the Club and the Seniors Living development. A copy of the protocol is to be provided to Council.*

## **USE**

142. *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]

143. *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]

144. *All deliveries to the premises are to occur only within the hours of 7am to 6pm Monday to Sunday, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.*

[USE0195]

145. *All deliveries to the premises are to occur only within the hours of 7am to 6pm Monday to Sunday, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.*

[USE0195]

146. *The development shall be carried out in accordance with the provisions of the Environmental Noise Impact report prepared by CRG Traffic and Acoustical Consultants reference crgref: 10542a and dated 19 May 2011.*

[USE0305]

147. *The use being restricted to the floor area designated on the approved plan. Use of the Stage 4 development does not include tourist development or tourist accommodation.*

[USE0415]

148. *All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.*

[USE0845]

149. *All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.*

[USE0845]

150. *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]

151. *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]

152. *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]

153. *The premises shall be operated in accordance with the Public Health (Skin Penetration) Regulation 2000 and current NSW Health Skin Penetration Code of Best Practice and Guidelines.*

[USE0975]

154. *The premises 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]

155. *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]

156. *The premises must be provided with facilities that are adequate for the purpose of keeping towels, appliances, utensils and the like clean.*

[USE1005]

157. *Suitable receptacles with close fitting lids must be provided and maintained in a clean and serviceable condition for soiled towels and trade wastes.*

[USE1015]

158. *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]

159. *Suitable road access shall be maintained so as to ensure waste service vehicles may traverse in a forward motion at all times*

[USENS01]

160. *Prior to commencement of use of the Stage 1 upgraded car park, the four lots comprising the McGregor Crescent site are to be consolidated into a single allotment under one title. Documentary evidence of registration of the consolidation plan is to be submitted to Council and the Principal Certifying Authority.*

[USENS01]

161. This condition is relevant to Stage 1:

*Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.*

[USENS02]

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

1. *Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.*
2. *An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.*
3. *When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.*
4. *All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.*
5. *All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.*
6. *The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.*
7. *All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.*
8. *The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.*
9. *A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.*
10. *If and when required by the Department, suitable devices must be installed to accurately measure the quality of water extraction or diverted by the works.*
11. *All water measuring equipment must be adequately maintained. It must be tested as and when required by the department to ensure its accuracy.*
12. *The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.*
13. *Works for construction of a bore must be completed within such period as specified by the Department.*
14. *Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.*
15. *Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.*
16. *Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that watercourse.*

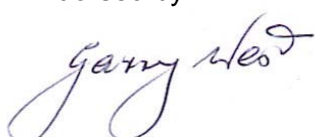
17. *The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.*
18. *The licensee must allow authorised officers of the Department, and it's authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:*
  - inspecting the said work*
  - taking samples of any water or material in the work and testing the samples.*
19. *The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.*
20. *The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.*
21. *The maximum term of this licence shall be six (6) months.*
22. *The volume of groundwater extracted from the work authorised by this licence shall not exceed 50 megalitres for the term of the licence.*
23. *The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.*
24. *The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.*
25. *The work shall be managed in accordance with the constraints set out in an Acid Sulfate Soil Management Plan and Dewatering Management Plan.*
26. *The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.*

**Moved Ned Wales    Seconded Pam Westing**

**MOTION CARRIED UNANIMOUSLY**

6. The meeting concluded at 10.58am.

Endorsed by



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