

# MINUTES OF THE NORTHERN JOINT REGIONAL PLANNING PANEL MEETING HELD AT TWEED SHIRE COUNCIL ON TUESDAY, 16 OCTOBER 2012 AT 3.00PM

## PRESENT:

Garry West	Chair
Pamela Westing	Panel Member
John Griffin	Panel Member
Ned Wales	Panel Member
Robert Quirk	Panel Member

## IN ATTENDANCE

Jamie Warren	Tweed Shire Council
Vince Connell	Tweed Shire Council
Lindsay McGavin	Tweed Shire Council
Denise Galle	Tweed Shire Council
Mick Denny	Tweed Shire Council
Danny Rose	Tweed Shire Council
Ray Clark	Tweed Shire Council
Doreen Harwood	Tweed Shire Council
Ann Mesic (Minute Secretary)	Tweed Shire Council

## APOLOGY: Nil

1. The meeting commenced at 3.10pm.

## 2. Declarations of Interest

Nil

## 3. Business Items

***ITEM 1 - 2012NTH006 - Tweed Shire Council - DA12/0110 - St Ambrose Primary School, 1 Charles Street, Pottsville***

## 4. Public Submission

Chris Cherry on behalf of Pottsville Community Association	Addressed the panel <b>for</b> the item
Terry O'Toole	Addressed the panel <b>for</b> the item
Dave Norris	Addressed the panel <b>against</b> the item
Adele Casson	Addressed the panel <b>against</b> the item
Pat Twohill and another architect (Pat Twohill Designs)	Addressed the panel on behalf of the applicant
Brad Lane (Darryl Anderson Consulting)	Addressed the panel on behalf of the applicant

## 5. Business Item Recommendations

### **ITEM 1 - 2012NTH006 - Tweed Shire Council - DA12/0110 - St Ambrose Primary School, 1 Charles Street, Pottsville**

Motion:

*That Development Application DA12/0110 for construction of an educational establishment (St Ambrose Primary School) and construction of the unformed road reserve at Lot 3 DP 263153, No. 1 Charles Street and unformed road reserve, Pottsville, be approved subject to the conditions of consent included in council's assessment report amended as follows:*

- *Condition 10 – amend to require a gate to the school from the footway.*
- *Condition 14 – amend to require additional bicycle spaces if demand increases.*
- *Condition 26 – amend to insert new subclause (d) regarding shared user path, and other subclauses to be re-numbered.*

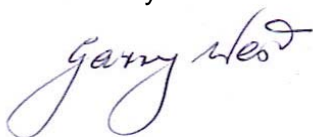
A complete set of conditions of consent is included as Attachment A to these minutes.

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

**MOTION CARRIED UNANIMOUSLY**

## 6. The meeting concluded at 5pm.

Endorsed by



Garry West  
Chair, Northern Joint Regional Planning Panel  
23 October 2012

## **ATTACHMENT 1 – APPROVED CONDITIONS OF CONSENT**

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
  - 01 Master Plan Drawing Number DA200B prepared by Twohill And James Pty Ltd undated;

#### **Stage 1**

- 01 Site Plan 3 Stage Development Drawing Number DA201B prepared by Twohill And James Pty Ltd undated;
- 01 Carpark Plan Drawing Number DA202B prepared by Twohill And James Pty Ltd undated;
- 01 Site Plan 3 Stage Development Drawing Number DA201B prepared by Twohill And James Pty Ltd undated;
- 01 Building B Floor Plan Drawing Number DA204 prepared by Twohill And James Pty Ltd undated;
- 01 Building C Floor Plan Drawing Number DA205 prepared by Twohill And James Pty Ltd undated;
- 01 Building D Ground Floor Plan Drawing Number DA206 prepared by Twohill And James Pty Ltd undated;
- 01 Building D First Floor Plan Drawing Number DA207 prepared by Twohill And James Pty Ltd undated;
- 01 Building E Ground Floor Plan Drawing Number DA208 prepared by Twohill And James Pty Ltd undated;
- 01 Building E First Floor Plan Drawing Number DA209 prepared by Twohill And James Pty Ltd undated;

#### **Stage 2**

- 01 Building F Ground Floor Plan Drawing Number DA210A prepared by Twohill And James Pty Ltd undated;
- 01 Building F First Floor Plan Drawing Number DA211A prepared by Twohill And James Pty Ltd undated;

#### **Stage 3**

- 01 Building G Ground Floor Plan Drawing Number DA212A prepared by Twohill And James Pty Ltd undated;
- 01 Building G First Floor Plan Drawing Number DA213A prepared by Twohill And James Pty Ltd undated;

#### **Sections & Elevations**

- 01 Site Elevation North & 02 Signage Details Drawing Number DA306A prepared by Twohill And James Pty Ltd undated;
- 01 Site Elevation South Drawing Number DA307A prepared by Twohill And James Pty Ltd undated;
- 01 Site Elevation East Drawing Number DA308 prepared by Twohill And James Pty Ltd undated;

- 01 Site Elevation West Drawing Number DA309A prepared by Twohill And James Pty Ltd undated;
- 01 Site Section 01 Drawing Number DA400A prepared by Twohill And James Pty Ltd undated;
- 01 Site Section 02 Drawing Number DA401A prepared by Twohill And James Pty Ltd undated;
- 01 Site Section 03 Drawing Number DA402A prepared by Twohill And James Pty Ltd undated;
- 01 Site Section 04 Drawing Number DA403A prepared by Twohill And James Pty Ltd undated;
- 01 Site Section 05 Drawing Number DA404A prepared by Twohill And James Pty Ltd undated;
- 01 Site Section 06 Drawing Number DA405A prepared by Twohill And James Pty Ltd undated; and
- 01 Section Through Bell Tower DA406 prepared by Twohill And James Pty Ltd undated.

and

- The Environmental Noise Impact Report Plan No. crgref:11389a prepared by CRG Acoustical Consultants dated March 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. Sewer manholes are present within Charles Street. These manholes are not to be covered with soil or other material and are not to be located within drainage swales that could cause obstruction or stormwater inundation.

Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Community and Natural Resources Division for approval of such works.

[GEN0155]

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 owner is to ensure that the proposed building is 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]

8. *The proposed development shall be limited to the following number of enrolments:*

*Stage 1 - Maximum of 210 enrolments*

*Stage 2 - Maximum of 90 enrolments*

*Stage 3 - Maximum of 120 enrolments*

[GENNS01]

9. *All remediation works for radioactive materials shall comply with the approved remediation action plan, or amended plan where applicable.*

[GENNS01]

10. *The Right of Footway 3 Wide and Variable (2397289) burdening the subject site must be preserved. A gate is to be provided to the school site from the footway at the Hampton Court end before the footpath turns northward.*

[GENNS02]

11. *All Preferred Koala Food Trees, being Swamp Mahogany (Eucalyptus robusta) and Forest Red Gum (Eucalyptus tereticornis), on and adjacent the development site must be protected and retained in accordance with Australian Standard AS4970 for the Protection of trees on development sites during construction of the school and the road.*

[GENNS03]

12. *Native vegetation must not be removed outside that area strictly required for works directly associated with the project as described in the revised documents submitted with the application.*

[GENNS04]

13. *Works must accord with the approved Tree Protection and Habitat Restoration Plan at all times.*

[GENNS05]

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

14. *The developer shall provide a minimum of 48 parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.*

*The developer shall also provide a minimum of 36 bicycle parking spaces on site to cater for student cyclists.*

*The onsite marked pedestrian crossings are to be supplemented by the installation of Wombat Crossings as per Austroads 2008 Guide to Traffic Management Part 8 Local Area Traffic Management.*

*Full design detail of the proposed parking and maneuvering 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 for the building works. In this regard additional bike spaces are to be provided if higher user rates occur.*

[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 for each stage 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.

**Stage 1**

- (a) Tweed Road Contribution Plan:
- |                                      |           |
|--------------------------------------|-----------|
| 132.5 Trips @ \$1295 per Trips       | \$171,588 |
| (\$1284 base rate + \$11 indexation) |           |
| S94 Plan No. 4                       |           |
| Sector8_4                            |           |

**Stage 2**

- (a) Tweed Road Contribution Plan:
- |                                      |          |
|--------------------------------------|----------|
| 56.7 Trips @ \$1295 per Trips        | \$73,427 |
| (\$1284 base rate + \$11 indexation) |          |
| S94 Plan No. 4                       |          |
| Sector8_4                            |          |

**Stage 3**

- (a) Tweed Road Contribution Plan:
- |                                      |          |
|--------------------------------------|----------|
| 75.6 Trips @ \$1295 per Trips        | \$97,902 |
| (\$1284 base rate + \$11 indexation) |          |
| S94 Plan No. 4                       |          |
| Sector8_4                            |          |

[PCC0215/PSC0175]

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 civil or building works shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

**Heavy Haulage Component**

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

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

where:

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

and:

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

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

**\\$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]

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 for each stage shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

#### Stage 1

Water DSP6:	7.05 ET @ \$12150 per ET	\$85,657.50
Sewer Hastings Point:	11.75 ET @ \$5838 per ET	\$68,596.50

#### Stage 2

Water DSP6:	2.7 ET @ \$12150 per ET	\$32,805
Sewer Hastings Point:	4.5 ET @ \$5838 per ET	\$26,271

#### Stage 3

Water DSP6:	3.6 ET @ \$12150 per ET	\$43,740
Sewer Hastings Point:	6 ET @ \$5838 per ET	\$35,028

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

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

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

[PCC0265/PSC0165]

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. **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]

20. All imported fill material shall be from an approved source. Prior to the issue of a Construction Certificate for either civil or building works, details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

21. 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.

*Earthworks to facilitate the development shall 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 to demonstrate that no ponding occurs.*

[PCC0485]

22. 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. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

23. 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]

24. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate for civil works. Safe public access shall be provided at all times.

[PCC0865]



25. *Prior to the issue of a Construction Certificate for building works, 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 Charles Street Road Reserve. Application shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications.*

*The Application shall include (but not be limited to) the provision of separate vehicular accesses to service the existing Church and the Primary School, in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1 " Design Specification June 2004.*

*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]

26. *Prior to the issue of a Construction Certificate for civil works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.*

- (a) copies of compliance certificates relied upon*
- (b) four (4) copies of detailed engineering plans and specifications, prepared in accordance with Development Design Specification D13 - particularly Section D13.09. The detailed plans shall include but are not limited to the following:*
  - 1 Earthworks*
  - 2 Roadworks/furnishings*
- (c) The upgrade of Charles Street to provide a bitumen sealed road formation 6.0m wide between flush kerbing, on a 9.0m roadbase and the associated intersection with Overall Drive. The 1.5m roadbase shoulders are to be turfed, unless agreed otherwise by Council.*
- (d) A 2.5m wide shared user path is to be constructed within Charles Street linking the shared path in Overall Drive to the subject site.*
- (e) Charles Street is to provide a left turn only lane onto Overall Drive, able to safely accommodate buses exiting Charles Street.*
- (f) Appropriate Traffic Calming Devices on Overall Dr to ensure compliance with Council's Specifications and Austroads guidelines.*
- (g) Relocation of 5 car and trailer parking spaces to the south of their existing location on Overall Drive.*
- (h) A line-marking and signage plan showing school speed zones and Children's Crossing, including linkage to the existing 1.2m wide concrete footpath in Elizabeth Street.*
- (i) Direct vehicular access is to be prevented between Elizabeth Street and Charles Street, via the installation of bollards or approved equivalent.*
- (j) Re-establishment of existing vehicular access off Charles Street, including Lot 436 DP 755701, as deem lawful by Council.*

1. Stormwater drainage
  - (k) Including the extension of the piped drainage under Overall Drive in order to provide a standard road verge swale in Charles Street.
2. Water supply works
  - (l) Including water main upgrade (as applicable) to achieve required fire fighting flows.
3. Sewerage works
4. Landscaping works
5. Sedimentation and erosion management plans
6. Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations.

*The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.*

[PCC0985]

27. Permanent stormwater quality treatment shall be provided in accordance with the following:
  - (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development (including the Charles Street upgrade) prepared in accordance with Section D7.07 of Councils Development Design Specification D7 - Stormwater Quality.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
  - (c) It is encouraged that the stormwater and site works incorporate water sensitive design principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
  - (d) Specific Requirements to be detailed within the Construction Certificate application include:
  - (e) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
  - (f) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
  - (g) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

28. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

*The stormwater infiltration areas must be clear of the existing EEC vegetation.*

*Overland flow from the infiltration areas must be discharge via sheet flow.*

[PCC1125]

29. *Stormwater associated with the building works.*

- (a) *Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for the building works. These details shall include likely landscaping within the overland flow paths.*
- (b) *All roof water shall be discharged to infiltration pits located wholly within the subject allotment.*
- (c) *The infiltration rate for sizing infiltration devices shall be 3m per day:*
  - \* *As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.*
- (d) *Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.*
- (e) *Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).*
- (f) *All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.*
- (g) *All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.*
- (h) *All infiltration devices are to be designed to allow for construction and operation vehicular loading.*
- (i) *All infiltration devices are to be located clear of stormwater or sewer easements.*

[PCC1135]

30. *A Construction Certificate application for building works that involve any of the following:-*

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

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

- a) *Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.*
- b) *Where Council is requested to issue a Construction Certificate for civil works, 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]

31. *Erosion and Sediment Control shall be provided in accordance with the following:*

- (a) *All Construction Certificate Applications 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]

- 32. *Prior to issue of a Construction Certificate for works within 40 metres of a watercourse, all applicable permits and licences are to be obtained from the Department of Environment, Climate Change and Water (DECCW) pursuant to s.89, 90 and 91 of the Water Management Act 2000.*

[PCC1330] [PCC1330]

- 33. *A revised remediation action plan shall be submitted to the satisfaction of the General Manager or delegate for approval. The plan shall demonstrate how the subject site is to be remediated to achieve a final surface level limit of  $0.7\mu\text{Gy hr}^{-1}$  or less at 1m above the area of concern on the property, following earthworks, and prior to issue of construction certificate for Stage One.*
- 34. *The construction of the Educational Establishment shall incorporate the relevant requirements of the Environmental Noise Impact Report (crgref: 11389a) prepared by CRG Acoustical Consultants dated March 2012.*
- 35. *An amended Environmental Noise Impact Report shall be submitted to the satisfaction of the General Manager or delegate as follow.*

*Prior to the issue of Construction Certificate for Stage One the report shall:*

- (i) *Further consider the impacts of the construction upon the operations of the child care centre directly east of the development and provide recommendations, where necessary.*
- (ii) *Identify uses and further consider the impacts of the identified uses of the hall should the facility be considered to be utilised for school recitals, band practice, or like activities, and provide recommendations, where necessary.*

*Prior to the issue of Construction Certificate for Stage Two and Three:*

- (i) *a noise impact assessment from a suitably qualified acoustic consultant shall be prepared and submitted to the satisfaction of the General Manager or delegate in respect to noise likely to be generated by the activities associated with the construction and operation of stage 2 and 3. The assessment report shall include any recommended noise amelioration measures to be carried out by the applicant.*
- 36. *Prior to the construction certificate being issued copies of 3 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval accompanied by the adopted fee:*
    - a. *Floor plan*
    - b. *Layout of kitchens and bar showing all equipment*
    - c. *All internal finish details including floors, wall, ceiling and lighting*
    - d. *Hydraulic design in particular method of disposal of trade waste*
    - e. *Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required*

f. *Servery areas including counters etc.*

[PCCNS01]

37. *The geometric layout of the internal parking and circulation access must complies with AS/NZ 2890.1 2004 - Parking Facilities Part 1 - Off-Street Car Parking, unless accepted otherwise by Council.*

[PCCNS02]

38. *The proponent shall submit plans and specifications with an application for Civil Works Construction Certificate for a "T" intersection of Charles Street and Overall Drive in accordance with Council's Specifications and AUSTRROADS Pt 5 "Intersections at Grade".*

*The intersection must accommodate cyclist and pedestrians through the intersection and must appropriately accommodate the high priority turning traffic into and out of Charles Street.*

*Bus turning templates will also be required to ensure that the proposed intersection is suitably designed to cater for bus movements.*

[PCCNS03]

39. *The proponent shall submit a revised Traffic Report with the application for Civil Works Construction Certificate, to compliment the proposed "T" intersection of Charles Street and Overall Drive, taking into account (but not limited to) sight distance, queue lengths, turning templates, traffic numbers and lighting.*

[PCCNS04]

40. *The Applicant will submit to the General Manager or delegate a Tree Protection and Habitat Restoration Plan detailing measures to protect retained native trees on site prior to, during and after construction in accordance with Australian Standard AS4970 for the Protection of trees on development sites. The plan will also detail and schedule the planting of additional Preferred Koala Food trees, primarily Swamp Mahogany (*Eucalyptus robusta*) within the 20m buffer along the western boundary of the site. The plan must include a maintenance period not less than five years.*

41. *A detailed plan of landscaping containing no noxious or environmental weed species and with all plants comprised of local native species selected from the Native Species Planting Guide prepared for Tweed and Byron Shires, available at <http://www.tweed.nsw.gov.au/NativePlantGuide> is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.*

[PCCNS05]

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

42. *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]

42. *Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.*

[PCW0015]

43. *Prior to the commencement of works endorsed under the Civil Works Construction Certificate, 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]

44. *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]

45. *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]

46. *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]

47. ***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]

48. *Civil work in accordance with a development consent must not be commenced until:*

- (a) *a Construction Certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:*
  - (i) *the consent authority, or*
  - (ii) *an accredited certifier, and*
- (b) *the person having the benefit of the development consent:*
  - (i) *has appointed a principal certifying authority,*
  - (ii) *has appointed a Subdivision Works Accredited Certifier (SWAC) in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C. For the works endorsed under this Civil Works Construction Certificate, the SWAC may be an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NPER registration or approved equivalent.*  
*The SWAC shall provide documentary evidence to Council of their NPER registration prior to commencement of works, and*
  - (iii) *has notified the consent authority and the council (if the council is not the consent authority) of the appointment,*
  - (iv) *a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Occupation Certificate is issued for Stage 1 of the development, and*
- (c) *the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.*

[PCW0815]

49. *The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period for the works endorsed under this Civil Works Construction Certificate.*

[PCW0835]

50. *Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. 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]

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

[PCW1065]

52. *Following completion of earthworks and prior to construction of stage one, a final site validation survey shall be undertaken to demonstrate compliance with an Action Level Criteria of  $0.7\mu\text{Gy hr}^{-1}$  or less at 1m above the area of concern on the property.*

[PCWNS01]

### **DURING CONSTRUCTION**

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

[DUR0005]

54. *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]

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

- A. *Short Term Period - 4 weeks.*

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

- B. *Long term period - the duration.*

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

[DUR0215]

56. *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]

57. *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]



58. *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]*
59. *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]*
60. *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]*
61. *Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".*
- The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.*
- [DUR0795]*
62. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.*
- [DUR0815]*
63. *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]*
64. *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 Final Practical Inspection of the endorsed civil works and / or the Occupation Certificate for the building works.*
- [DUR0995]*
65. *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]*
66. *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]*
67. *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]*

68. *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]*
69. *Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.*
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.*
  - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.*
  - (c) That site fill areas have been compacted to the specified standard.*
  - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
- [DUR1805]*
70. *During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:*
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.*
  - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.*
- [DUR1825]*
71. *The proponent must not undertake any work within the Crown or 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]*
72. *Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.*
- [DUR1855]*
73. *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 Final Practical Inspection of the endorsed civil works and/or prior to any use or occupation of the buildings.*
- [DUR1875]*
74. *Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:*

**Roadworks**

- (a) Pre-construction commencement erosion and sedimentation control measures*
- (b) Completion of earthworks*
- (c) Excavation of subgrade*

- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (g) Off Maintenance inspection

**Water Reticulation, Sewer Reticulation, Drainage**

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final Practical Inspection - on maintenance
- (i) Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

The fee for the above-mentioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for 'Compliance Certificate' of the constructed Civil Works.

[DUR1895]

75. Where existing kerb, footpath or driveway laybacks are to be removed for new driveway laybacks, stormwater connections, pram ramps or for any other reason, the kerb, footpath or driveway laybacks must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

76. 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]

77. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.

[DUR2195]

78. 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]

79. *The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.*

[DUR2425]

80. *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]

81. *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]

82. *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]

83. *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]

84. *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]

85. *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]

86. *Following the completion of any excavations or site disturbances greater than 300mm deep below the existing surface levels in a development stage and prior to the commencement of any construction works in any stage, and once all services have been installed, a final validation surface radiation survey shall be completed and reported to the satisfaction of the General Manager or delegate of Tweed Shire Council. Should the Action Level Criteria of 0.7µGy hr<sup>-1</sup> or less at 1m above the area*

*of concern on the property be exceeded then an amended remediation action plan shall be submitted to the satisfaction of the General Manager or delegate for approval.*

[DURNS01]

87. *A recognised and experienced fauna spotter/catcher must be present during any tree removal on the site.*

[DURNS02]

88. *No soil, sand, gravel, clay or other material shall be disposed of off the site where the radiation level of that material is above  $0.7\mu\text{Gy hr}^{-1}$ . Radiation levels of any materials proposed to be removed from the site shall be monitored and recorded by an appropriately qualified person. Record of the monitoring shall be maintained on site and made available to authorised officers of Tweed Shire Council on request.*

[DURNS03]

89. *The development shall be carried out in accordance with the provisions of the Acid Sulfate Soil Management Plan and Management Strategy (HMC 2012.005 ASSMP) prepared by HMC Pty Ltd dated March 2012..*

[DURNS04]

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

90. *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]

91. *Prior to the issue of an Occupation Certificate for Stage 1 of the development, a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.*

*The bond shall be based on 5% of the value of the Charles Street civil works approved under the Construction Certificate for Civil Works, as set out in Councils Fees and Charges current at the time of payment which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.*

[POC0165]

92. *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]

93. *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]

94. *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]

95. *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]

96. *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]
97. *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 (as applicable to that stage of development) required under Section 138 of the Roads Act 1993.*  
[POC0745]
98. *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]
99. *Upon completion of all civil works on the site, Work as Executed plans are to be provided to Council in accordance with Councils Development Design Specification - D13, as well as a CCTV inspection of the stormwater pipes and sewerage system that are to be dedicated to Council as public infrastructure, including joints and junctions to demonstrate that the standard of the system is acceptable to Council.*  
*The plans are to be endorsed by a Registered Surveyor OR Consulting Engineer certifying that:*
- a) *The plans accurately reflect the work as executed.*
  - b) *All stormwater lines, sewer lines, services and structures are wholly contained within the relevant easements or boundaries.*
- Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.*  
[POC0765]
100. *Prior to the issue of an Occupation Certificate, easements for services, rights of carriageway and Restrictions As To User (as applicable) under Section 88B of the Conveyancing Act are to be created.*  
[POC0860]
101. *Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council, as applicable for each stage of the development. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate.*  
[POC0865]
102. *Prior to the issue of an Occupation Certificate, as applicable for each stage of the development, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.*  
[POC0985]
103. *Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.*  
[POC1045]
104. *Prior to the issue of a final occupation certificate, all conditions of consent are to be met.*  
[POC1055]
105. *Provide certification by an appropriately qualified person that all outdoor lighting has been designed and installed in general accordance with AS4282-1997 Control of the obtrusive effects of outdoor lighting.*

[POCNS01]

106. *On completion of the Civil Works, a certificate signed by a practicing NPER Civil Engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice.*

[POCNS02]

107. *Prior to issuing an Occupation Certificate, reticulated water supply and outfall sewerage reticulation and applicable service connections shall be provided to the development in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.*

*Water mains may require upgrading or a Booster Pump provided in order to comply with fire fighting requirements.*

*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.*

[POCNS03]

108. *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]

109. *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]

110. *Hours of operation of the business are restricted to the following hours:*

- \* 8am to 4pm - Mondays to Fridays*
- \* No operations are to be carried out on Saturday, Sundays or Public Holidays*
- \* All deliveries and pickups relating to the business are to occur within the approved hours*

[USE0185]

111. *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]

112. *Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.*

[USE0245]

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

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

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

[USE0315]

114. *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]

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

[USE0845]

116. *Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the **NSW Protection of the Environment Operations (Noise Control) Regulation 2008**.*

[USE1510]

## **GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997**

### **Asset Protection Zone**

*The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:*

1. *At the commencement of building works and in perpetuity the property around the building for the following distances shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zone'.*
  - *west for not less than 50 metres;*
  - *northwest to the existing tree line*
  - *north, east and south to the property boundary.*
2. *Landscaping of the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.*

### **Water and Utilities**

*The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:*

3. *Reticulated water supply is to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.*
4. *Any extension of electricity services is to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.*
5. *In recognition that the building may be connected to a gas supply, the following requirements are to be complied with:*
  - a) *Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standards AS/NZS 1596:2008: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.*



- b) *All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.*
- c) *Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.*
- d) *Polymer sheathed flexible gas supply lines to gas metres adjacent to building are not to be used.*

### **Access**

*The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:*

- 6. *Public roads shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.*
- 7. *Road works at the southern end of Elizabeth St are to incorporate traffic management devices to facilitate access from Charles St to Elizabeth St during an emergency (as indicated in the Civil Works Plan prepared by Cozens Regan Williams Prove Pty Ltd, ref: A.6.27 (Sk.3 - Issue A), dated 03/12).*

*The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:*

- 8. *Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.*

### **Evacuation and Emergency Management**

*The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:*

- 9. *An emergency and evacuation plan addressing section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority prior to the issuing of an occupation certificate.*

### **Design and Construction**

*The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:*

- 10. *New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.*

### **General Advice - consent authority to note**

*To further improve protection of the property from bush fire attack, it is recommended that the existing church building be upgraded in accordance with the RFS publication 'Best Practice Guide to Bush Fire Protection - Upgrading of Existing Buildings', Version 1/25 February 2011.*