

## GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans prepared by Gardner Wetherill & Associates
  - Site Plan Drawing Number DA1001 Revision A dated 10.05.11
  - Plan Demolition Drawing Number DA1002 Revision A dated 10.05.11
  - Site Analysis Diagram Drawing Number DA1002 dated 10.05.11
  - Plan - Basement Level Drawing Number DA1110 Revision A dated 29.09.11
  - Plan - Ground Floor Level - Drawing Number DA1210 Revision B dated 15.11.11
  - Plan - First Floor Level Drawing Number DA1301 Revision B dated 25.07.11
  - Elevations - Sheet 1 - Drawing Number DA1500 Revision A dated 10.05.11
  - Elevations - Sheet 2 - Drawing Number DA1501 Revision A dated 10.05.11
  - Sections - Sheet 1 - Drawing Number DA1600 Revision A dated 10.05.11
  - Perspective Views - Drawing Number 1700 Revision A dated 10.05.11
  - Sun Study Diagram - Drawing Number DA1800 Revision A 10.05.11and the following plan prepared by Jackie Amos Landscape Architect
  - Landscape Plan – Drawing Number 1156-01 Revision Dexcept 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. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

4. 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]

5. 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]

6. In accordance with Section 109F(1) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[GENNS01]

7. A Subdivision Certificate application is required to be submitted, to ensure that appropriate land is dedicated for road widening, footpath relocation and relocation of services (if necessary), along the Marine Parade frontage.

[GENNS02]

8. An application for a construction certificate is to be submitted for civil infrastructure works, being the road widening works along the Marine Parade frontage, as well as sewer main infrastructure modification.

This single application is in lieu of separate Sec.138 (Roads Act) and Sec.68 (Local Government Act) applications that would otherwise be necessary. The works covered by this construction certificate must be satisfactorily completed prior to the dedication of any road widening and the submission of a construction certificate for building works.

A separate Sec.138 application will still need to be submitted for construction of four (4) vehicular footpath crossings.

[GENNS02]

9. All signage is to comply with Councils Development Control Plan and shall comprise only of the building identification wall sign and a pole sign. The flag pole must not extend higher than the front roof of the building.

[GENNS05]

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

10. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

### **URBAN ROAD**

- a. Construction of Marine Parade road widening, incorporating pavement widening, kerb and gutter relocation, concrete footpath relocation, and services relocation (if necessary).

The relocated footpath area is required to match the existing footpath width (minimum of 3.5m wide).

### **OTHER**

- a. The existing sewer main infrastructure traversing the site is to be removed, and a new sewer manhole is to be constructed at the end of this line. Council's preference is for this line to terminate 1m inside the

boundary of the Pearl Street frontage, however some flexibility will be allowed in this regard.

[PCC0875]

11. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -
  - (a) Construction of four (4) vehicular footpath crossings: three (3) in the Kingscliff Street frontage and one in the Marine Parade frontage.
  - (b) Construction of concrete path paving 1.2m wide for both the Kingscliff Street and Pearl Street frontages. NOTE: For this work, the applicant has the option of including the path paving with the construction certificate application.

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
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

12. 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.
13. 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]

14. Prior to commencement of work a Coastal Risk Management Report is to be provided to Council to the satisfaction of the General Manager (or his delegate).

[PCWNS01]

15. The developer shall provide parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

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]

16. A pedestrian refuge and street lighting compliant with AS1742 and AS1158 (respectively) shall be provided on the Marine Parade frontage of the site. The pedestrian refuge shall link to the existing footpath and cycleway network by the provision of additional pathway to Council specifications. Design plans shall be submitted with an application under Section 138 of the Road Act 1993 for approval prior to the issue of a construction certificate.

[PCCNS01]

17. A concrete footpath shall be provided along the Marine Parade and Kingscliff Street frontages of the development and linking to the existing footpath network, constructed to Council standards.

[PCCNS02]

18. Design plans shall be submitted with an application under Section 138 of the Road Act 1993 for the construction of the basement driveway to demonstrate compliance with Council's Driveway Specification and relevant Australian Standards, so as to cater for increased traffic movements to and from the development in proximity to the intersection of Pearl and Kingscliff Streets. Should changes to the intersection be deemed necessary under the Austroads Guidelines, these details shall also be included in the s138 application.

[PCCNS03]

19. The ten (10) space car park provided in the landscaped area at the southern end of the site shall be time limited to 2 hours. The developer is required to submit an application for time limited parking to Council's Local Traffic Committee for endorsement and Council approval prior to installation. An entrance sign is to be posted on entry advising that the car park is for public use.

[PCCNS04]

20. The construction and use of the premises shall be in accordance with the recommended management strategies of the Acoustic Report prepared by TTM Consulting (GC) P/L dated 29 April 2011.

[PCCNS05]

21. 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 Council prior to commencement of civil infrastructure works. Safe public access shall be provided at all times.

[PCC0865]

22. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority or equivalent 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]

23. No ground anchors are to protrude into public land.

24. Prior to approval of detailed civil infrastructure works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority or equivalent 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 D.13.. The detailed plans shall include but are not limited to the following:
    - roadworks/furnishings
    - stormwater drainage
    - sewerage works
    - sedimentation and erosion management plans
    - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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]

25. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*.
  - (c) The stormwater and site works 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]

26. 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.

[PCC1125]

27. Stormwater

- (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. These details shall

include likely landscaping within the overland flow paths.

- (b) Infiltration pits shall be located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
  - (i) 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) 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).
- (e) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (f) 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.
- (g) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (h) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality / quantity 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.

[PCC1145]

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

- a. 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]

30. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage, and in this instance, combined with infiltration devices. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

Details are to be submitted with the S68 stormwater application.

[PCC1165]

31. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

32. Prior to commencement of works, an asbestos report prepared by as suitably qualified person shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegate, acting reasonably. In the event that asbestos contamination is found in excess of health investigation levels, a remediation action plan (RAP) is to be prepared and approved by Council's General Manager or his delegate, acting reasonably. All works shall be in accordance with the approved RAP, if required.

[PCCNS01]

33. The stormwater discharge provisions to the Marine Parade frontage are to be modified to that shown in the submitted Stormwater Management Plan. The proposed new kerb inlet pit and downstream stormwater pipe may be unnecessary and the preferred discharge method is that intended 100 mm diameter stormwater discharge pipe shall instead be discharged to the existing kerb and gutter, via a galvanised rectangular hollow section across the footpath area. Should this be unachievable, alternative options may be considered. Details to be shown with the Sec.68 stormwater application.

[PCCNS02]

34. **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, building works shall NOT commence unless all Section 94 Contributions have been paid and the Certifying Authority, or equivalent has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

(a) Tweed Road Contribution Plan:

223.28 Trips @ \$1146 per Trips \$255,878.88

S94 Plan No. 4

Sector6\_4

(b) West Kingscliff - Drainage:

0.027 HA @ \$56641 per HA \$1,529.30

DCP Section B4

S94 Plan No. 7

[PCC0215/PSC0175]

35. 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, building works shall **NOT** commence unless all Section 64 Contributions have been paid and the Certifying Authority or equivalent has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP5: 7.528 ET @ \$12150 per ET \$91,465.20

Sewer Kingscliff: 12.29 ET @ \$5838 per ET \$71,749.02

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]

36. **Prior** to the issue of a Construction Certificate for civil infrastructure works, 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 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 Subdivision Certificate to facilitate road widening dedication is issued.

[PCC0275]

37. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

38. Prior to issue of a construction certificate an asbestos and heavy metal soil investigation report prepared by a suitably qualified person shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegated. In the event that contaminants are found in excess of health investigation levels a remediation action plan (RAP) is to be prepared and approved by Council's General Manager or delegate. All works shall be conducted in accordance with the approved RAP, if required.

[PCCNS01]

## **PRIOR TO COMMENCEMENT OF WORK**

39. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site 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]

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

- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
- b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- c. WorkCover Regulations 2000

[PCW0025]

41. 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]

42. The applicant shall take out Public Risk Liability Insurance to a minimum value of \$10 million for the period of commencement of works until the site is commissioned as a Police Station.

[PCW0835]

43. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

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

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

[PCW0985]

44. 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]

45. 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) to assume the responsibility for certifying the compliance of the completed public infrastructure. The SWAC shall be accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works. Where the value of new public infrastructure is less than \$30,000 then the SWAC may be substituted for an Institute of Engineers Australia Chartered

Professional Engineer (Civil College) with NPER registration.

- (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 Subdivision Certificate is issued, 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]

- 46. An amended Stage 1 Preliminary Site Investigation report shall be submitted to the satisfaction of the General Manager or delegate. The report shall incorporate the removal of the asbestos cement sewerage pipe locate within the allotment and any remediation action necessary.
- 47. Prior to the commencement of demolition works a demolition works plan shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegate.
- 48. Prior to the removal of any concrete slab a pre-demolition testing report prepared by a suitably qualified person shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegate. Removal of the concrete slab is not permitted without the separate prior written approval of Tweed Shire Council. In the event that contaminants are found in excess of health investigation levels a remediation action plan (RAP) is to be prepared and approved by Council's General Manager or delegate. All works shall be conducted in accordance with the approved RAP, if required.

[PCWNS02]

## **DURING CONSTRUCTION**

- 49. All works shall be conducted in accordance with the approved demolition works plan.

[DURNS01]

- 50. 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]

- 51. 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.
- 52. 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 Council's Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

- 53. The proponent is to construct 10 car spaces at the eastern end of the site as shown on Plan - Ground Floor Level - Drawing Number DA1210 Revision B dated 15.11.11 prepared by Gardner Wetherill & Associates. These car spaces are not to be enclosed by fencing and are to be available for use by customers of the police station at all times.
- 54. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

- 55. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:  
Monday to Saturday from 7.00am to 6.00pm  
No work to be carried out on Sundays or Public Holidays  
The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

- 56. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.  
 $L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.

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

[DUR0215]

57. All 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]

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. 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.

60. 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]

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

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 Subdivision Certificate/Occupation Certificate.

[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 reasonable 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. 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]

67. 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]

68. 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, bikeways - formwork/reinforcement
- h. Final inspections - on maintenance
- i. Off Maintenance inspection

#### **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 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".

[DUR1895]

69. 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]

70. 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]

71. 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]

72. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: **'DUMP NO RUBBISH, FLOWS INTO CREEK'** or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

73. 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]

74. 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]

75. 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.

[DUR2485]

76. **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]

77. 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]

78. 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]

79. 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]

80. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practicing Structural Engineer. The Engineer is to certify the design of such footings and slabs to ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main.

[DUR2645]

81. The use to be conducted so as to not cause disruption to the amenity of the locality, particularly by way of emission of light, noise, dust and odours or the like.

[USE0125]



82. 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 reasonably 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]

83. 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.
84. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Saturday.

[USE0285]

### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

85. Prior to issue of a subdivision certificate to facilitate the dedication of road widening, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

86. Prior to the issue of a **Subdivision Certificate** 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 works (minimum as tabled in Council's 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 Subdivision 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.

[PSC0215]

87. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate **PRIOR** to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

88. A Subdivision Certificate will not be issued by the General Manager until such time as all new civil infrastructure works have been satisfactorily completed.

[PSC0825]

89. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over **ALL** public services/infrastructure on private property.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

90. Prior to the issue of a **Subdivision Certificate**, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- a. all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- b. the plans accurately reflect the Work as Executed.

**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 (WAX) plans.**

[PSC0735]

91. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

92. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

The following information must accompany an application:

- a. original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- b. all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

**Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

93. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-

- a. Compliance Certificate - Roads
- b. Compliance Certificate - Sewerage Reticulation
- c. Compliance Certificate - Drainage

**Note:**

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Council's Development Design and Construction Specifications.
2. 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".

[PSC0915]

94. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

95. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and sewerage system installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Council's Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

## **USE**

96. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0445]

97. 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]

98. 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]

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

99. Prior to issue of an occupation certificate validation reporting prepared by a suitably qualified person shall be submitted to Tweed Shire Council to the satisfaction of the General Manager or his delegated, if required by an approved remediation action plan.

[POCNS01]

100. A noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate

[POC0125]