

JOINT REGIONAL PLANNING PANEL (NORTHERN REGION)

SUPPLEMENTARY REPORT & CONDITIONS 10 DECEMBER 2013

CLARIFICATION OF APPROVED USES AND APPLICABLE s64 WATER & SEWER CHARGES

JRPP No	2013NTH021
DA Number	DA13/0554
Local Government Area	Tweed Shire Council
Proposed Development	Alterations & additions to the Tweed City Shopping Centre to accommodate a new Entertainment Leisure Precinct (ELP) & a new mini major extension. The development will result in a total gross floor area increase of 4,178m ² , removal of the existing elevated car park, internal demolition & reconfigurations, new outdoor areas (including children's playground), revised loading docks adjoining the ELP, first-use approvals & revised car parking areas.
Street Address	Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive; TWEED HEADS SOUTH, NSW, 2486
Applicant	Dexus Funds Management Ltd
Owner	SAS Trustee Corporation
Number of Submissions	Two (2) submissions were received. One in regards to the proposed hours of operation and the other enquiring about what would happen to existing tenancies.
Regional Development Criteria	Item 3 – General Development Over \$20 Million Schedule 4A of the EP&A Act
List of All Relevant s79C(1)(a) Matters	Tweed LEP 2000 SEPP (North Coast Regional Environmental Plan) 1988 SEPP 55 Remediation of Land SEPP 71 Coastal Protection SEPP (Infrastructure) 2007 Draft Tweed LEP 2013 Tweed Development Control Plan Clause 92(b) EP&A Regulations 2000 – Demolition Clause 93 EP&A Regulations 2000 – Fire Safety Clause 94 EP&A Regulations 2000 – Building Upgrade Government Coastal Policy
Recommendation	Approval with Conditions
Report by	Denise Galle Coordinator Development Assessment Unit

Supplementary Assessment Report and Recommendation

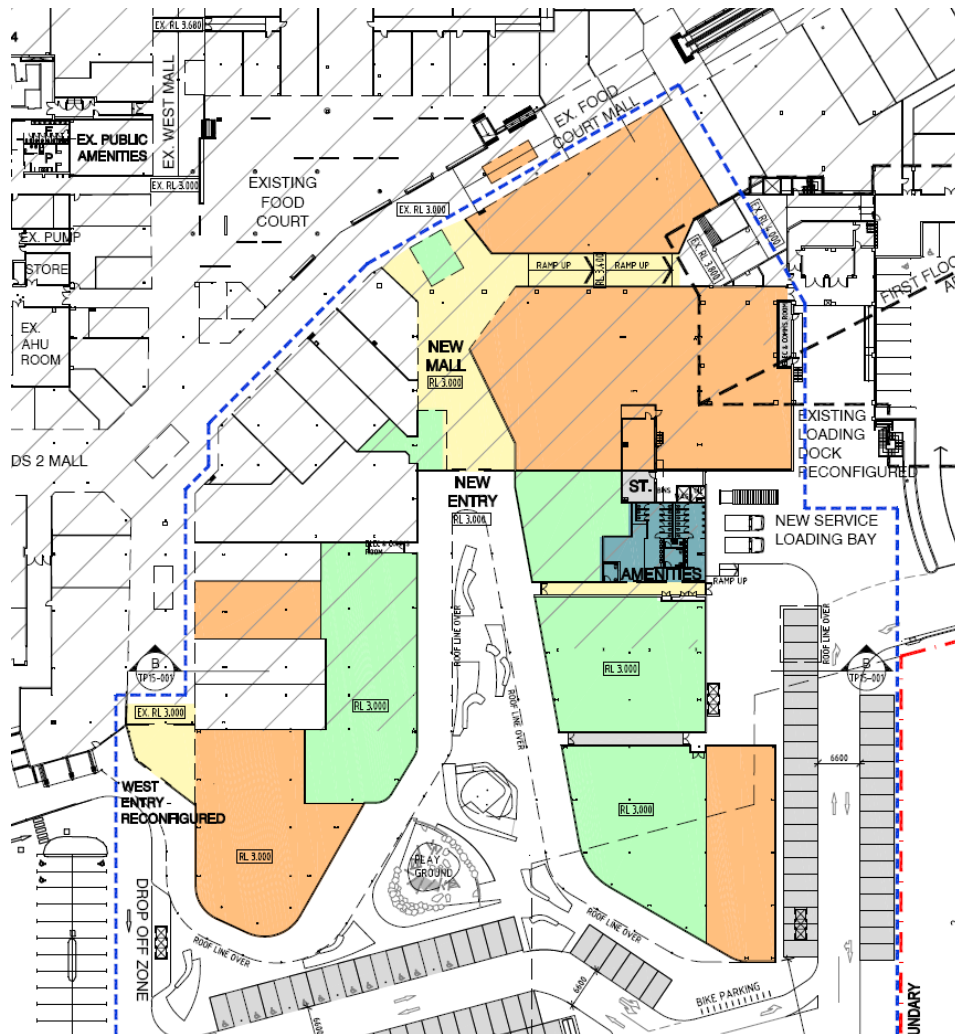
Summary of Report

This report has been written to clarify and correct Council's position in regards to the approved uses as part of this Development Application and the applicable s64 Developer Contributions that should be levied to the development as sought.

The applicant's Statement of Environmental Effects states at page: 13 that:

This application seeks approval for the use of retail “shops” as well as Food & Beverage “refreshment rooms”. It is acknowledged that detailed fit out plans of the food and beverage “refreshment rooms” tenancies will require separate fit out DA's, however approval for use is requested as a part of the DA.

The plans proposed to be stamped (specifically within the entertainment and leisure precinct) show the nominated use of each tenancy as either retail shop (orange) or a food and beverage outlet (green) as follows:



Council's Original JRPP Report considered these proposed uses (retail and food and drink premises) for the purposes of permissibility, car parking and S94 Plan No. 4 Tweed Road Contribution however Council failed to clearly condition what approvals were necessary for the future food and beverage fit outs and failed to charge s64 Developer Contributions (water and sewer) for the proposed food and beverage outlets as these were only charged as shops.

If this was not rectified as part of the current application additional S64 Developer Contributions would be chargeable at the fit out stage which could slow down the process at a later date. For consistency Council is requesting that the subject application rectify this matter and ensure that permissibility, parking, and all developer contributions are assessed for the same land uses (shops and food and beverage premises) as sought by the applicant as part of this application.

To rectify this matter Council is suggesting two changes to the recommended conditions of consent.

1. Insert a new Condition 2 (and re-number all subsequent conditions) which reads as follows:

New Condition 2

This consent has approved the use of the tenancies for either retail purposes or as a food and drink premises as shown on the Proposed Site & Ground Floor Plan TP12-001 Revision 3 prepared by NH Architecture and dated 26/09/2013. This consent has levied car parking and developer contributions on this basis.

The kitchen fit out of the nominated food and drink premises is yet to be approved and must be the subject of a separate Development Application or Complying Development Application (as statutorily required) prior to issue of an Occupation Certificate for these tenancies.

[GEN0035]

2. Amend Condition 92 (which is now Condition 93) to reflect the revised s64 Developer Contributions which take into account the proposed food and beverage outlets rather than the old rates which were based only on the shop rate.

The original calculations were as follows:

The applicants Statement of Environmental Effects states:

For the purposes of calculating s.64 water and sewer charges, it is proposed that these be determined by the net increase in GLFA for the 2 components that make up the proposal. In this regard total GLFA for the project is 3098m². The overall net increase in GLFA is 2419m² recognising that there is some reconfiguration of existing floor space.

Accordingly water and sewer have been charged on 2419m² as follows:

Water: $2,419m^2 \times 0.002$ (shop rate) = 4.838ET @ \$12,575 per ET = **\$60,837.85**

Sewer $2,419m^2 \times 0.003$ (shop rate) = 7.257ET @ \$6,042 per ET = **\$43,846.79**

As can be seen from these calculations the previously recommended rates do not cover the tenancies being used as food and beverage outlets.

The proposed calculations are based on the specific rates for a shopping centre as contained in the NSW Water Directorate S64 Determinations of Equivalent Tenements Guidelines May 2009 which specifically has a rate for shopping centres irrelevant on whether each tenancy is used for retail, commercial or food and beverage. Adopting this rate is considered more lenient than applying the refreshment room rates as contained within Council's Fees and Charges Document and will give the applicant maximum flexibility with future change of use applications.

Please note Council's Fees and Charges Document is proposed to be amended to adopt the Water Directorate rates in the 2014/2015 Financial Year.

Water: $2,419m^2 \times 0.005$ (Shopping Centre Rate) = 12.095ET @ \$12,575 per ET = **\$152,094.62**

Sewer $2,419m^2 \times 0.008$ (Shopping Centre Rate) = 19.352ET @ \$6,042 per ET = **\$116,924.78**

Accordingly Council is recommending the following amended condition wording:

Amended Condition 92 (now Condition 93)

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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council, unless a deferred payment agreement is approved under Council's Business Investment Policy, in which case contributions are to be paid in accordance with that agreement.

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

Water DSP4:	12.095 ET @ \$12,575 per ET	\$152,094.62
Sewer Banora:	19.352 ET @ \$6,042 per ET	\$116,924.78

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.

[POC0675/PSC0165]

RECOMMENDATION:

That Development Application DA13/0554 for alterations & additions to the Tweed City Shopping Centre at Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive TWEED HEADS SOUTH be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, except where varied by the additional information received on 5 November 2013, except where varied by the additional information received on 28 November and the following plans:
 - Site & Ground Floor Demolition Plan TP11-001 Revision 2 prepared by NH Architecture and dated 26/09/2013;
 - Roof Demolition Plan TP11-002 Revision 2 prepared by NH Architecture and dated 26/09/2013;
 - Proposed Site & Ground Floor Plan TP12-001 Revision 3 prepared by NH Architecture and dated 26/09/2013;
 - Proposed Roof Plan TP12-002 Revision 3 prepared by NH Architecture and dated 26/09/2013;
 - Proposed Elevations & Sections TP15-001 Revision 2 prepared by NH Architecture and dated 26/09/2013;
 - Proposed Signage TP18-001 Revision 2 prepared by NH Architecture and dated 26/09/2013;
 - Proposed Indicative External Finishes and Colours TP19-010 Revision 2 prepared by NH Architecture and dated 26/09/2013;except where varied by the conditions of this consent.
2. This consent has approved the use of the tenancies for either retail purposes or as a food and drink premises as shown on the Proposed Site & Ground Floor Plan TP12-001 Revision 3 prepared by NH Architecture and dated 26/09/2013. This consent has levied car parking and developer contributions on this basis.

[GEN0005]

The kitchen fit out of the nominated food and drink premises is yet to be approved and must be the subject of a separate Development Application or Complying

Development Application (as statutorily required) prior to issue of an Occupation Certificate for these tenancies.

[GEN0035]

3. The development sites that now form part of the Tweed City Shopping Centre (Lot 4 DP 781506, Lot 5 DP 781506, Lot 6 DP 1119624, Lot 1 DP 781517, Lot 2 DP 781518 and Lot 1 DP 524806) are to be consolidated into 1 lot under 1 title. The plan of consolidation shall be registered with the Land Titles Office prior to 31 December 2018.

[GEN0005]

4. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]

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

[GEN0115]

6. 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]

7. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.

[GEN0180]

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

[GEN0190]

9. Any air-handling system, hot water system, humidifying system, warm-water system, water-cooling system or any other 'regulated system' as defined in Section 26 of the Public Health Act 2010 shall be installed in accordance with the relevant requirements of Part 2 Clause 6 of the Public Health Regulation 2012.

[GEN0315]

10. The new car parks and site access are to be designed and constructed in accordance with Council's Development Control Plan A2 - Site Access and Parking Code and Australian Standards as follows; AS2890.1, AS2890.2 and AS2890.6.

[GENNS01]

11. Council's Environmental Health Officer shall be provided with copies of the following specific management plans within 7 days of their final preparation under the provisions of the Construction Management Plan prepared by Lend Lease and dated October 2013.

- Hazardous Substances and Dangerous Goods Management Plan,

- Asbestos and Hazardous Building Material Management Plan,
- Contaminated Waste (soils/water) Management Plan,
- Concrete Waste Management Plan,
- Paint Waste Management Plan,
- Noise and Vibration Management Plan,
- Air Quality Management Plan and
- Stakeholder Engagement Management Plan.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. A detailed plan of landscaping (for landscaping internal of the site) containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

13. 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, including but not limited to the reconstruction of the existing Minjungbal Drive left in/left out access 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 2001.

The proposed reconstructed access is to include appropriate traffic calming devices designed to reduce the risk to pedestrians on the footpath area of Minjungbal Drive. Applications shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including:

- a) Road works/furnishing
- b) Stormwater drainage
- c) Water and sewerage works
- d) Sediment and erosion control plans
- e) Location of all services/conduits
- f) Traffic Control Plans

The operation of the reconstructed left in Minjungbal Drive access is subject to whether the continued operation of the left in/ left out arrangements as approved are appropriate and not causing queuing onto Minjungbal Drive.

In the event of unacceptable levels of queuing on Minjungbal Drive, as deemed by Council, the left in driveway is to be closed and arrangements made with Council on suitable additional modifications to the road and footpath geometry and /or internal site modifications to maintain left in movements, at expense of the applicant.

Should appropriate modifications not be available, the access will remain as left out movement only.

[PCC0895]

14. The footings and floor slab are to be designed by a practising Structural Engineer

after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

15. Permanent stormwater quality treatment shall be provided for the new hardstand areas associated with the Entertainment and Leisure Precinct (**ELP**) 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) It is encouraged that water sensitive design principles such as bio-retention facilities in accordance with "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an "end of line" proprietary gross pollutant device.
 - (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 works 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, with treatment provisions designed in accordance with Council's *Development Design Specification D7 - Stormwater Quality*, Section D7.12. Engineering details of proposed "end of line" 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]

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

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

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one

single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

17. Erosion and Sediment Control shall be provided in accordance with the following:
 - (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
18. 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.

Unless supported by hydraulic calculations, stormwater from the site is to be discharged to best "mimic" the existing drainage conditions and catchments.
19. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.
20. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
21. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.
22. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.
23. Prior to the issue of any Construction Certificate, a detailed acoustic assessment of mechanical plant noise emission is to be undertaken as a component of the mechanical plant design and development stage. This detailed acoustic assessment shall be undertaken by an appropriately qualified acoustic engineer and any recommendations contained within the acoustic assessment shall be implemented in respect to the design, location and use of any mechanical plant.

24. An appropriately qualified fire engineer is to be engaged to review the proposed building works the subject of this development application taking into account; the two separate hydrant systems which have different maximum operating pressures, the conditions imposed by the Department of Local Government on 18 April 1997 associated with BA 829/96 and Fire safety Engineering Report (3699FSER) Rev.1 January 2007 by BCA Consultants (Qld) Pty Ltd associated with DA06/0351. At completion of this review the fire engineer is to submit his/her Fire Safety Engineering Report to the Principal Certifying Authority for assessment and determination prior to issue of the Construction Certificate.

Note: The Department of Local Government on 18 April 1997 imposed the following conditions:

- A) Observance for the life of the building of all the parameters, conclusions and recommendations as to the use of the building and safety features contained within the Report (Job No. 4603208X) dated 4 March, 1997 of Connell Wagner and accompanying Drawing No SE-01, Revision 4 and the facsimiles dated 10 and 11 April, 1997 also from Connell Wagner.
- B) An appropriate system for monitoring both authorised and unauthorised shutdown of the Sprinkler and Smoke Exhaust Systems shall be established and maintained for the life of the building to the satisfaction of the Council:-
 - (a) During authorised shutdown or failure of the Sprinkler or Smoke Exhaust Systems suitable precautions shall be implemented to:
 - (i) restrict the likelihood of fire outbreak in the area served by the system/s; and
 - (ii) limit the effect to the occupants of the building, of any fire that may occur in the building.
 - (b) Suitable precautions, referred to in item 2 (a) above, during authorised shutdown or failure of the system/s, shall include:
 - (i) restricting access to the area served by the fire safety systems to maintenance or construction personnel only;
 - (ii) provision of suitably trained staff to continuously monitor for fire starts;
 - (iii) provision of additional portable fire extinguishers relevant to the risk to the subject area; and
 - (iv) suitable restrictions to ensure authorised shutdown is kept to a minimum and returned to normal operation without delay.
 - (c) The monitoring systems for unauthorised shutdown shall include:
 - (i) initiation of appropriate audible and visual warning signals upon unauthorised shutdown of the system/s to a personnel area which shall be staffed at all times whilst the building is occupied; and

- (ii) procedures to ensure that upon unauthorised shutdown there will be an immediate investigation of the system/s by suitably trained personnel and immediate restoration of the system/s.
- C) The matters relating to the safe operation of the building, including the smoke detection system, Emergency Warning and Intercommunication System (EWIS), smoke exhaust system and sprinkler system shall be listed as essential services and shall be subject to the provisions of clause 27 of the Local Government (Approvals) Regulation, 1993.
- D) The building work shall comply with the BCA in all respects other than those for which a variation under section B2(3) has been granted.

[PCCNS02]

25. Prior to the issue of any Construction Certificate a landscape concept plan must be prepared to address the proposed landscape treatment for the entire street frontage in Minjunbal Drive and Kirkwood Road where they adjoin the Tweed City Shopping Centre's future redevelopment plans. Such a concept plan will guide individual landscape plans prepared for each stage of the shopping centre redevelopment, including those described in DA13/0554. The concept plan must be prepared by a qualified landscape architect and be approved by the Manager, Recreation Services, Tweed Shire Council. Plantings are to include street trees and turf only, no garden bed type plantings will be considered. Street tree species are to be native to the local area.

[PCCNS03]

26. Prior to the issue of any Construction Certificate a detailed landscape plan prepared by a qualified landscape architect must be submitted for the road reserve of Minjunbal Drive where it adjoins the redevelopment proposed in DA13/0554. This plan must be consistent with an approved landscape concept plan for the broader streetscape adjoining the Tweed Valley Shopping Centre. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and be consistent with Development Design Specification (D14) and related Standard Drawings. The plans must indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

[PCCNS04]

27. Prior to the issue of any Construction Certificate a detailed landscape plan prepared by a qualified landscape architect must be submitted for the road reserve of Minjunbal Drive where it adjoins the redevelopment proposed in DA13/0554. This plan must be consistent with an approved landscape concept plan for the broader streetscape adjoining the Tweed Valley Shopping Centre. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and be consistent with Development Design Specification (D14) and related Standard Drawings. The plans must indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

28. 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]

29. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

30. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

31. 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]

32. 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]

33. 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

34. **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]

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

[PCW0665]

36. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

37. 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 the approved 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]

38. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

39. An amended Dewatering Management Plan shall be prepared and submitted to

Council's General Manager or his delegate for consideration and approval which details the following:

- * A site plan drawn to scale which indicates the extent of the excavation area and estimated zone of influence of the dewatering activity relative to any adjoining buildings together with an assessment of any impacts likely to occur to any adjoining buildings as a result of the dewatering activities.
- * The location to be indicated on the site plan of the area that will be utilised for the positioning of any treatment tank or sedimentation pond on the site including any reserve area to be used for such purpose in the event of the need for additional treatment facilities to be incorporated on the site.
- * Details of the proposed method of mechanical aeration to be used in the event that it is necessary to aerate the groundwater to achieve an acceptable Dissolved Oxygen level prior to the offsite discharge of groundwater and where this will be incorporated on the site.
- * The provision of written advice from the operator of any on site groundwater treatment system stating that the system to be used will be able to treat the groundwater to the required treatment level prior to discharge. Note. Particular attention is to be given to achieving the required detention times prior to discharge of the groundwater. Advice that the system is simply capable of achieving the necessary treatment will not be acceptable.

[PCW1015]

40. The proponent shall notify Council's Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water.

[PCW1045]

41. A detailed acid sulphate soil assessment shall be carried out in relation to all areas where site works are likely to involve the disturbance of soils below the existing ground level. Based upon the outcome and recommendations of the detailed acid sulphate soil assessment an Acid Sulphate Soil Management Plan prepared in accordance with the provisions of the NSW Acid Sulphate Soil Management Advisory Committee Guidelines shall be prepared if necessary and a copy of the Acid Sulphate Soil Management Plan shall be provided to Council's Environmental Health Officer within 7 days following final preparation for consideration and approval. The provisions of the Acid Sulphate Soil Management Plan shall be complied with during the course of all site works that are subject of the Acid Sulphate Soil Management Plan.

[PCWNS01]

42. Appropriate on-site stockpile locations for the treatment of any identified acid sulphate soil shall be nominated within the Acid Sulphate Soil Management Plan and no untreated acid sulphate soil material shall be removed from the site unless appropriate off-site acid sulphate soil stockpile treatment locations have been nominated within the Acid Sulphate Soil Management Plan and such off-site locations are to the satisfaction of Council's General Manager or delegate.

[PCWNS02]

43. A detailed groundwater quality report shall be provided to Council's Environmental Health Officer prior to the commencement of any dewatering discharge from the site. This report shall provide results from a NATA accredited laboratory on the

following parameters, pH, Electrical Conductivity, Dissolved Oxygen, Temperature, Dissolved Iron, Suspended Solids, Turbidity, Chloride, Sulphate, Chloride:Sulfate ratio, Dissolved Aluminium, Hydrocarbons, BTEX and PAH's.

[PCWNS03]

DURING CONSTRUCTION

44. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

45. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.

[DUR0025]

46. The provision of 2,272 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

47. 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]

48. 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]

49. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

50. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.
51. 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). [DUR0255]
52. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements: [DUR0375]
- (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]
53. 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 Work Health and Safety Regulation 2011. [DUR0415]
54. 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, Work Health and Safety Regulation 2011. 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]
55. 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, Work Health and Safety Regulation 2011. 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]
56. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
57. 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.

58. 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]

59. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

60. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

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

[DUR1695]

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

[DUR1705]

63. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

64. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

65. 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]

66. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

67. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.
[DUR2185]
68. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.
[DUR2195]
69. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
[DUR2205]
70. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
[DUR2205]
71. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.
[DUR2215]
72. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
[DUR2245]
73. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.
[DUR2315]
74. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.
[DUR2435]
75. 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]
76. 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]

77. 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 Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

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

[DUR2505]

79. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

80. 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]

81. 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]

82. 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:-

- * 45°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]

83. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

84. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

85. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

86. All on-site dewatering operations shall be carried out in compliance with the provisions of the approved OTEK (December 2012) Environmental Management Plan (Proposed Construction) 58-62 Minjungbal Drive, Tweed Heads South NSW (Ref. 4201119 and conditions of the Site Audit Statement Ref. 0103 - 1104 dated 16 January 2013.

[DURNS01]

87. All site construction works shall be carried out in strict compliance with the provisions and conditions of the Site Audit Statement Ref. 0103 - 1104 dated 16 January 2013.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

88. 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]

89. 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]

90. 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]

91. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

92. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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:
360 Trips @ \$1,365 per Trips \$491,400
(\$1,318 base rate + \$47 indexation)
S94 Plan No. 4
Sector2_4
- (b) Extensions to Council Administration Offices
& Technical Support Facilities
2.0912 ET @ \$1,860.31 per ET \$3,890.28
(\$1,759.9 base rate + \$100.41 indexation)
S94 Plan No. 18

[POC0395/PSC0175]

93. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council, unless a deferred payment agreement is approved under Council's Business Investment Policy, in which case contributions are to be paid in accordance with that agreement.

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

Water DSP4:	12.095 ET @ \$12,575 per ET	\$152,094.62
Sewer Banora:	19.352 ET @ \$6,042 per ET	\$116,924.78

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.

[POC0675/PSC0165]

94. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

95. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

96. 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]

97. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

98. A bond (for the landscaping within the road reserve) to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of any Occupation Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[POCNS01]

99. Prior to issue of a Occupation Certificate, Work as Executed Plans (WAX) must be submitted for the landscaping within the road reserve. These must show the location of underground services and any infrastructure such as pathways, bus stops, power lines or similar.

The plans are to be certified by a registered surveyor or consulting engineer.

Two categories of WAX plans are to be provided:

- a) The original approved plan with any variation to this indicated.
- b) plan showing only the actual as constructed information,

The plans are to be submitted in the following formats:

- c) 2 paper copies of the same scale and format as the approved plan.
- d) A PDF version on CD or an approved medium.

An electronic copy in DWG or DXF format on CD or an approved medium. [POCNS01]

[POCNS02]

USE

100. 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]

101. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{Aeq}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

102. 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]
103. 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]
104. 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]
105. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Renzo Tonin and Associates Ref: TF792-02F02 (REV 4) and dated 26 September 2013.
- [USE0305]
106. All loading/unloading to take place within the boundary of the subject property.
- [USE0525]
107. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.
- [USE0875]
108. Any air-handling system, hot water system, humidifying system, warm-water system, water-cooling system or any other 'regulated system' as defined in Section 26 of the Public Health Act 2010 shall be operated and maintained in accordance with the relevant requirements of Part 2 Clauses 7, 8 & 9 of the Public Health Regulation 2012. A certificate to confirm that the regulated system is being maintained shall be submitted to Council on a 12 monthly basis.
- [USE0945]
109. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.
- [USE1035]
110. The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquires may be directed to the NSW Department of Health. The legislation may be viewed on the following website:
- <http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/O>
- [USE1075]

111. The noise level from any outdoor entertainment is to be limited to a maximum of 80

dB(A) when measured at a distance of 10 metres from the entertainment source during day and evening periods (Day 7.00am to 6.00pm and Evening 6.00pm to 10.00pm) and a maximum of 70 dB(A) when measured at a distance of 10 metres from the entertainment source during the period between 10.00pm and Midnight.

[USENS01]

112. The operation/trading hours of businesses within the Entertainment and Leisure Precinct and the Entertainment and Leisure Precinct in general are restricted in accordance with the current approved opening hours of the Tweed City Shopping Centre and up to 12.00 midnight 7 days per week

[USENS02]

113. The developer is to undertake care and maintenance operations of the streetscape landscaping for a minimum of 12 months after completion of the works and they are approved by Council. This is the establishment period for new plantings. Such maintenance will include all soft landscaping including plant care, mowing and weed control. Any power and water consumption costs during this period must also be met by the developer

[USENS03]

**GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A LICENSE FOR
DEWATERING UNDER THE WATER ACT 1912
FOR DEVELOPMENT APPLICATION NUMBER DA13/0554**

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as specified by the Department.

12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
 - 1 - inspecting the said work
 - 2 - taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be three (3) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the pH of the water is between 6.5 and 8.5, or the water has been treated to bring the pH to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
20. The licensee shall test the pH of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the pH testing is to be returned with the form 'AG'.
21. The work shall be managed in accordance with the constraints set out in an Acid Sulfate Soil Management Plan and Dewatering Management Plan approved by the Department.
22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

**GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A LICENSE FOR
MONITORING BORES UNDER THE WATER ACT 1912
FOR DEVELOPMENT APPLICATION NUMBER DA13/0554**

1. The license shall lapse if the work is not commenced and completed within three years of the date of the issue of license.
2. The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW Office of Water:-
 - (a) details of the work set out in the attached form "a" (must be completed by a driller).
 - (b) a plan showing accurately the location of the work, in relation to portion and property boundaries.

- (c) a one litre water sample for all licenses other than those for stock, domestic, test bores and farming purposes.
 - (d) details of any water analysis and/or pumping tests.
3. The licensee shall allow NSW Office of Water or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.
 4. If a work is abandoned at any time the licensee shall notify NSW Office of Water that the work has been abandoned and seal off the aquifer by:-
 - (a) backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or
 - (b) such methods as agreed to or directed by NSW Office of Water.
 5. If the bore authorised by this license is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220mm.
 6. Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.