

**Conditions for DA14/0063 - Northern retail expansion of Tweed City Shopping Centre including reconfiguration and expansion of retail space to the north and west of the centre resulting in an increase of gross floor area from 57,969m² to 78,628m², demolition of existing car park, dwellings and to the existing shopping centre building, development of basement, at grade and multi-level parking, new signage, access amendments to the centre, new loading docks and upgrade to site infrastructure (JRPP) at Lot 22, 21, 20, 19, 8, 11, 13, 12 DP 23659; Lot 4, 5 DP 781506; Lot 1 DP 781517; Lot 2 DP 781518; Lot 1 DP 524806; Lot 2 DP 804871; Lot 5 DP 830973; Lot 6 DP 1119624, (*David OConnell*)
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No. 42 Kirkwood Road TWEED HEADS SOUTH; No. 44 Kirkwood Road TWEED HEADS SOUTH; No. 34 Minjungbal Drive TWEED HEADS SOUTH; No. 36 Minjungbal Drive TWEED HEADS SOUTH; No. 58 Minjungbal Drive TWEED HEADS SOUTH; No. 60 Minjungbal Drive TWEED HEADS SOUTH; No. 62 Minjungbal Drive TWEED HEADS SOUTH
DA14/0063

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - Basement Demolition Plan (Drawing No. TP31-001 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Site & Ground Floor Demolition Plan (Drawing No. TP31-002 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Roof Demolition Plan (Drawing No. TP31-003 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Basement Plan (Drawing No. TP32-001 Revision 2) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Site & Ground Floor Plan (Drawing No. TP32-002 Revision 5) prepared by NH Architecture and dated 13 December 2013;
 - Proposed Ground Mezzanine Floor plan (Drawing No. TP32-003 Revision 2) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Level 1 Floor Plan & Lower Roof Plan (Drawing No. TP32-004 Revision 2) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Level 1A Floor Plan & Upper Roof Plan (Drawing No. TP32-005 Revision 2) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Roof Plan (Drawing No. TP32-006 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Elevations Sheet 1 (Drawing No. TP35-001 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Elevations Sheet 2 (Drawing No. TP35-002 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Sections (Drawing No. TP36-001 Revision 1) prepared by NH Architecture and dated 19 November 2013;
 - Proposed Pylon Signs (Drawing No. TP38-001 Revision 1) prepared by NH Architecture and dated 19 November 2013;

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- Proposed 3D Views (Drawing No. TP39-001 Revision 1) prepared by NH Architecture and dated 19 November 2013;
- Proposed Indicative External Finishes & Colour (Drawing No. TP39-001 Revision 1) prepared by NH Architecture and dated 19 November 2013;

except where varied by the conditions of this consent.

[GEN0005]

2. 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. The final design of the three proposed pylon signs are to be submitted to Council for the written approval of Council's General Manager or delegate.

[GEN0075]

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

[GEN0115]

4. The development 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]

5. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

6. Should dewatering be required 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]

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

[GEN0190]

8. 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.

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9. 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, Lot 1 DP 524806, Lot 22 DP 23659, Lot 5 DP 830973, Lot 21 DP 23659, Lot 20 DP 23659, Lot 19 DP 23659, Lot 13 DP 23659, Lot 12 DP 23659, Lot 11 DP 23659, Lot 2 DP 804871 and Lot 8 DP 23659) 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. [GEN0315]
10. The future use of any proposed food and beverage outlet tenancies must be the subject of a separate Development Application or Complying Development Application (as statutorily required) prior to fit out and use of the tenancy. [GENNS01]
11. Due to the extensive and varied public infrastructure works required to be undertaken, it is recommended that such works be approved and managed via a construction certificate process in lieu of separate Sec.138 and Sec.68 approval processes as nominated in this consent. All public infrastructure works can then be addressed by a single set of plans.
This is relevant for all road, access, path paving, stormwater connection and associated works normally covered by a Sec.138 approval, as well as sewer infrastructure reconstruction works. [GENNS01]
12. The bus bay works in Kirkwood Road that encroach into the site, as well as the associated pedestrian footpath area, shall be covered by a Right of Carriageway. Any public infrastructure constructed as part of the bus bay (eg: stormwater lines) that will be located on private property, will need to be covered by an appropriate easement.
However, if any water mains require relocation into private property, then appropriate road dedication would then be required.
13. A six (6) months Defects Liability Period for new sewer infrastructure and public road works is applicable, and will commence on the date of issue of the Occupation Certificate. [GENNS02]
14. Any traffic regulatory controls / devices on adjoining streets will require endorsement of the Local Traffic Committee and written approval by Council prior to installation.
15. The proposed development is to be undertaken generally in accordance with the recommendations of the Traffic Impact Assessment Report prepared by Bitzios Consulting and dated 23 January 2014. [GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be

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approved by the Principal Certifying Authority **PRIOR** to the issue of a Construction Certificate.

[PCC0055]

17. 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]

18. **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 (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

19. 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]

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

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

[PCC0485]

21. A detailed plan of landscaping including canopy trees located within the proposed at grade car park and 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]

22. The basement car parking is to be protected against the inflow of water to a level of 500mm

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

Installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 *"National Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions"*

[PCC0685]

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

[PCC0865]

24. 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) Vehicular access
- (b) All roadworks within Kirkwood Road and Minjungbal Drive, including road widening, median works and bus bay works.
- (c) All modification of vehicular access driveways.
- (d) Provision of traffic devices to ensure separation between traffic egress from Lot 4 DP 830973 (Tweed Gardens Complex) and the Tweed City Shopping Centre eastern egress location in Kirkwood Road.

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

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

[PCC0895]

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

[PCC0935]

26. 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]

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

- (a) copies of compliance certificates relied upon
- (b) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*

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

[PCC0985]

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

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- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

29. 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 subdivision works, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

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

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

[PCC1155]

31. 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 no greater than pre-development. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. 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

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site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP. Details are to be submitted with the S68 stormwater application.

[PCC1165]

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

[PCC1195]

33. In accordance with Section 68 of the Local Government Act, application shall be made to Council to alter water supply and sewerage systems. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

34. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

35. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

36. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.

[PCC1265]

37. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

38. Continual sewerage services must be maintained for all properties upstream of or connected to the affected sewer, for the duration of the works.

39. Continual water supply must be maintained for all properties connected to the affected water main, for the duration of the works.

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40. Applications shall be made to Tweed Shire Council for water service disconnections and include the payment of fees in accordance with Councils adopted fees and charges where required.
 41. 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 DA14/0063. 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.
 42. 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 and Kirkwood Road where it adjoins the redevelopment proposed in DA14/0063. 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.
- [PCCNS02]
43. Prior to issue of a construction certificate an Acid Sulphate Soil Management Plan in accordance with the provisions of the NSW Acid Sulphate Soil Management Advisory Committee Guidelines shall be prepared and provided to Council's Environmental Health Officer for consideration and approval. All works shall comply with the approved Acid Sulphate Soil Management Plan.
 44. Prior to the issue of any construction certificate, a detailed acoustic assessment of mechanical plant, compactors and acoustic lining of access ramps and parking decks is to be undertaken as a component of the 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 the respective building components.
- [PCCNS02]
45. 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

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submit his/her Fire Safety Engineering Report to the nominated PCA 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;

1. 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.

2. 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

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(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.

3. 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.

4. 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]

46. The proposed marked pedestrian crossing on Kirkwood Road is to be modified to a pedestrian refuge with kerb extensions and relocated to the east in compliance with Austroads and Council requirements. Prior to the issue of a Construction Certificate revised plans and particulars are to be submitted to Council to the satisfaction of the General Manager or delegate.

47. Prior to the issue of a Construction Certificate landscaping and urban design detail for the indented bus bay is to be provided to Council for the satisfaction of the General Manager or delegate.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

48. 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]

49. 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]

50. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and

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- (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.

51. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing. [PCW0215]

52. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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

[PCW0225]

53. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: [PCW0245]

- (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

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(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.

54. 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. [PCW0255]

55. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material. [PCW0665]

56. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure. [PCW0745]

57. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period. [PCW0755]

58. 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. [PCW0835]

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]

59. A Dewatering Management Plan shall be prepared and submitted to Council's General Manager or his delegate for consideration and approval prior to commencement of any dewatering for placement of sub ground basement structures which details the following:

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- * A detailed groundwater quality report which provides sampling results 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 and Dissolved Aluminium.
- * 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]

60. 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]

61. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

62. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

63. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.

[PCW1135]

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64. Prior to the issue of a construction certificate, documentary evidence of creation of the required 3.0 metre easement over the proposed sewer within Lot 6 DP1119624 shall be submitted to Tweed Shire Council.
65. Any alterations to approved plans shall be confirmed by Council W&S Systems Engineer prior to construction.
66. Any access required to neighbouring blocks will need to be negotiated by applicant to the property owner and Council's satisfaction.
67. Where applicable, prior to demolition work commencing a sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site in close proximity to each relevant structure. The signs shall remain in place until all asbestos has been removed from the site.
68. Prior to the commencement of construction of the new structure a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the principal certifying authority and Council.
69. Council's Environmental Health Officer shall be provided with copies of the following specific management plans prior to commencement of construction 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.
70. Prior to the disturbance or removal of the slabs on the following sites the applicant shall submit to Council a sub-slab contamination investigation report prepared in accordance with Council's Pre-Demolition Testing advisory note. If contaminants above adopted health investigation levels are detected then a remediation action plan (RAP) shall be submitted to Council for approval. All works shall comply with the approved RAP. Upon completion of the remediation works (if applicable) and prior to commencement of construction works for the new development Council shall be provided with a validation report from a suitably qualified person detailing the remediation works undertaken.
 - ☐ Lot 5 DP 830973, Kirkwood Road
 - ☐ Lot 19 DP 23659, 30 Kirkwood Road
 - ☐ Lot 12 & 13 DP 23659, 42 - 44 Kirkwood Road
 - ☐ Lot 2 DP 804871, 48 - 50 Kirkwood Road
 - ☐ Lot 7 DP DP 23659, 54 Kirkwood Road
 - ☐ Lot 6 DP 23659, 56 Kirkwood Road

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- ☐ Lot 4 & 5 DP781506, 34 - 36 Minjungbal Drive)
- ☐ Lot 6 DP 1119624, 38 Minjungbal Drive

[PCWNS02]

DURING CONSTRUCTION

71. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.
72. 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.
[DUR0005]
73. 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.
The proponent may, with the written approval of Councils General Manager or delegate vary the above hours on a one-off basis in order to facilitate works to avoid disruption to the ongoing retail activities on the site. Any such request should be provided in writing (including details of the work to be undertaken and reasoning for this to occur outside the above hours) to Council a minimum of one week prior to the proposed hours to be varied.
[DUR0205]
74. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.
L_{Aeq, 15 min} noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the closest external wall of the nearest likely affected residence.
 - B. Long term period - the duration.
L_{Aeq, 15 min} noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the closest external wall of the nearest affected residence.
[DUR0215]
75. All pumps used for onsite dewatering operations are to be installed on the site in a location

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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]

76. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.

[DUR0235]

77. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.

[DUR0255]

78. 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]

79. 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]

80. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

81. 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]

82. Excavation

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

[DUR0425]

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

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(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

(b) building involves the enclosure of a public place,

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

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

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

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

[DUR0435]

84. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, 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]

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

[DUR0675]

86. 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]

87. 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]

88. 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:

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- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

89. 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]

90. 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]

91. 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]

92. 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]

93. 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]

94. 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.

[DUR1805]

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95. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

96. 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]

97. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- (j) Excavation
- (k) Bedding
- (l) Laying/jointing
- (m) Manholes/pits
- (n) Backfilling

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- (o) Permanent erosion and sedimentation control measures
- (p) Drainage channels
- (q) Final Practical Inspection - on maintenance
- (r) Off maintenance

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- (s) Earthworks and filter media
- (t) Structural components
- (u) Operational establishment
- (v) Mechanical/electrical
- (w) Commissioning - on maintenance
- (x) Off maintenance

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

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

The fee for the abovementioned inspections shall be invoiced upon completion of all civil infrastructure works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

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

[DUR1955]

99. 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]

100. 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]

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

[DUR2195]

102. 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]

103. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

104. 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]

105. 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]

106. 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]

107. 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 Division to arrange a suitable inspection.

[DUR2445]

108. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

[DUR2475]

109. 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;

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- (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]

110. 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]

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

[DUR2505]

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

[DUR2525]

113. 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]

114. 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]

115. 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]

116. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to

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covering is required

[DUR2565]

117. The structure is to be sited at least 1.0 metres 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 practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main and that the design meets the Council Sewers - Works in Proximity Policy.
118. 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.
119. 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
120. Cut-ins to live sewer shall be conducted in the presence of a Council Officer.
121. Any cleaning of the sewer line shall be undertaken without transferring large quantities of materials or sand downstream of the repair area. The use of suction to remove sand build-up is expected.
122. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011. Prior to demolition of any structures is commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos laden waste shall be disposed at an approved licensed waste facility (all receipts detailing method and location of disposal must be kept on site and provided to a Council Authorised Officer upon request).
123. 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.
124. Any groundwater derived from dewatering for placement of 'humceptor' stormwater treatment devices shall be removed from site by a licensed liquid waste contractor and delivered to a licensed liquid waste treatment facility. Documentary evidence of this process shall be retained on site and provided to Council's Environmental Health Officer upon request.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

125. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that

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stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

126. Prior to the issue of the first Occupation 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 public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

127. 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]

128. 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]

129. 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]

130. 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.

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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:
 1884 Trips @ \$1365 per Trips \$2,571,660
 (\$1,318 base rate + \$47 indexation)
 S94 Plan No. 4
 Sector2_4
- (b) Extensions to Council Administration Offices
 & Technical Support Facilities
 10.377 ET @ \$1860.31 per ET \$19,304.44
 (\$1,759.90 base rate + \$100.41 indexation)
 S94 Plan No. 18

[POC0395]

131. 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.

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

Water DSP4: 96.38 ET @ \$12575 per ET \$1,211,978.50

Sewer Banora: 154.208 ET @ \$6042 per ET \$931,724.70

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]

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132. 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.

133. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications. [POC0745]

134. Upon completion of all civil infrastructure works pertaining to the site (eg - road and sewer works), Work as Executed plans are to be provided to Council in accordance with Councils Development Design Specification, D13 as well as a CCTV inspection of the stormwater pipes and sewerage system that are to be dedicated to Council as public infrastructure including joints and junctions to demonstrate that the standard of the system is acceptable to Council. [POC0755]

Specific matters to be addressed:

- The plan shall include manhole location and depths, sewer line lengths and gradients shown in percentage, dimensions to structures and junction points with details.
- A junction sheet including depth, distance to downstream manhole and offset type and distance shall be submitted to Council.
- A post video of the sewer line shall be completed with WinCAN DVD and datafile and submitted to Council for review prior to practical completion.
- All WAE information shall meet Council's Approval prior to the release of certificate of practical completion.

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

- a) The plans accurately reflect the work as executed.
- b) All stormwater lines, sewer lines, services and structures are wholly contained within the relevant easements or boundaries.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

135. A surveyed Work-as-executed (WAE) Plan shall be provided to Council along with Asset Creation Form for Council Asset Management Records. The plan shall include manhole location and depths, sewer line lengths and gradients shown in percentage, dimensions to structures and junction points with details.
136. A junction sheet including depth, distance to downstream manhole and offset type and distance shall be submitted to Council.
137. A post video of the sewer line shall be completed with WinCAN DVD and datafile and submitted to Council for review prior to practical completion.

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All WAE information shall meet Council's Approval prior to the release of certificate of practical completion.

[POC0765]

138. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure.

[POC0805]

139. Prior to the issue of the first Occupation Certificate, the applicant is required to create 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) Creation of a Right of Carriageway over the bus bay and associated pedestrian thoroughfare, along the Kirkwood Road frontage of the site.
- (b) Creation of appropriate easements over any public infrastructure constructed on private property: eg - stormwater lines associated with the Kirkwood Road bus bay.
- (c) Creation of appropriate easements over all public sewer infrastructure located on the site.

[POC0860]

140. 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]

141. 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]

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

[POC1055]

143. A validation report shall be provided to Council prior to issue of an occupation certificate which confirms that all mechanical plant, compactors, acoustic lining of access ramps and parking decks, and the 2.5m high acoustic wall to the north eastern speed ramp have been designed and installed in accordance with the relevant acoustic assessments.

[POCNS01]

144. 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 Occupation 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.

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

145. 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.
 - e) An electronic copy in DWG or DXF format on CD or an approved medium.
146. Prior to the issue of an Occupation Certificate Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. This is required to nominate all new public infrastructure works, including road and stormwater works, bus shelters and sewer infrastructure.
147. 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 an Occupation 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.
148. All public sewer infrastructure located on private property is to be covered by an appropriate easement.
- [POCNS02]
149. A surveyed Work-as-executed (WAE) Plan shall be provided to Council along with Asset Creation Form for Council Asset Management Records. The plan shall include manhole location and depths, sewer line lengths and gradients shown in percentage, dimensions to structures and junction points with details.
150. A junction sheet including depth, distance to downstream manhole and offset type and distance shall be submitted to Council.
151. A post video of the sewer line shall be completed with WinCAN DVD and datafile and submitted to Council for review prior to practical completion.
152. All WAE information shall meet Council's Approval prior to the release of certificate of practical completion.

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USE

153. 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]
154. 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. Further noise from delivery trucks and unloading activities within the loading docks located off Kirkwood Road shall not be audible within any habitable room in a residential premise between the hours 10pm and 7am. [USE0165]
155. 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]
156. 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]
157. 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]
158. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Renzo Tonin & Associates titled Tweed City Shopping Centre Northern Retail DA Acoustic Assessment, dated November 2013. [USE0305]
159. All loading/unloading to take place within the boundary of the subject property. [USE0525]
160. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the written satisfaction of the General

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Manager or his delegate.

[USE0875]

161. 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]

162. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

163. 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]

164. The hours of operation of Tweed City Shopping Centre are restricted to:

- ☐ ☐ Monday to Friday: 7:00am to 9:00pm.
- ☐ ☐ Saturday: 7:00am to 8:00pm.
- ☐ ☐ Sunday: 8:00am to 6:00pm.
- ☐ ☐ The existing supermarkets and department stores - 7:00am to 9:00pm Monday to Saturday and 7:00am to 6:00pm Sunday.
- ☐ ☐ Cinemas and Entertainment and Leisure Precinct - 9:00am to midnight seven days per week.
- ☐ All deliveries of goods to occur between ☐ Monday to Friday 7:00am to 6:00pm and ☐ Saturday, Sunday and Public Holidays 8:00am to 6:00pm, except deliveries to the loading docks exiting to Kirkwood Road which are restricted to between 7:00am and 10:00pm seven days per week.

165. Delivery vehicles utilising the loading docks located off Kirkwood Road shall be located within the loading docks whilst delivery and unloading is undertaken, and shall not be partially within the dock or on Kirkwood Road.

[USENS01]

166. 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

[USENS02]

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**GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A LICENSE FOR
DEWATERING UNDER THE WATER ACT 1912
FOR DEVELOPMENT APPLICATION NUMBER_DA14/0063**

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 it's 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

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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 twelve (12) 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 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_DA14/0063**

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.

**Conditions for DA14/0063 - Northern retail expansion of Tweed City Shopping Centre including reconfiguration and expansion of retail space to the north and west of the centre resulting in an increase of gross floor area from 57,969m² to 78,628m², demolition of existing car park, dwellings and to the existing shopping centre building, development of basement, at grade and multi-level parking, new signage, access amendments to the centre, new loading docks and upgrade to site infrastructure (JRPP) at Lot 22, 21, 20, 19, 8, 11, 13, 12 DP 23659; Lot 4, 5 DP 781506; Lot 1 DP 781517; Lot 2 DP 781518; Lot 1 DP 524806; Lot 2 DP 804871; Lot 5 DP 830973; Lot 6 DP 1119624, (*David OConnell*)
BCA Class - 6 & 7a**

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.