

DATE OF DETERMINATION	Wednesday, 18 October 2017
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, Ned Wales and Stephen Phillips
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Tweed Heads Administration Building on 18 October 2017, opened at 5:00 pm and closed at 6.45pm.

MATTER DETERMINED

2016NTH024 – Tweed Shire – DA16/0647 AT 16 Naru Street, Chinderah (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

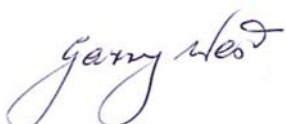
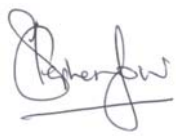
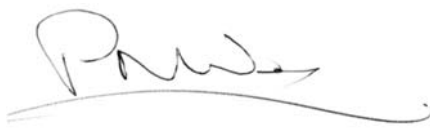
The reasons for the decision of the Panel were:

- SEPP 33 – Hazardous and Offensive Development; The proposed WRTS is neither a potentially hazardous industry nor a potentially offensive industry and therefore the provisions of SEPP 33 are not applicable;
- SEPP 55 – Remediation of Land; Remediation/contamination of this land was considered under the subdivision application which created the allotment and is considered acceptable;
- The flood impact mapping confirms that the development including the acoustic fencing will have no significant impact on flood levels in the locality. The proposal complies with the provisions of the Tweed Valley Flood Plain Risk Management Plan;
- The WRTS will only accept inert waste materials;
- Odour and dust impacts are mitigated by the requirement that all skips transporting waste to the WRTS are covered and the dumping and sorting will occur in the main processing building in a sealed environment;
- Noise impacts will be mitigated by the requirement for a 3.5m high timber paling acoustic fence along the property's northern (excluding driveway area) and western boundaries;
- The site will be accessed via Naru Street and Chinderah Drive via the adjoining Pacific Motorway interchange. Naru Street is considered to have sufficient width to service the site;
- The amended conditions of consent are considered to adequately mitigate any impacts from the proposed facility;
- The Department of Primary Industries – Water have issued General Terms of Approval for the drainage works that connect to the Tweed River

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 1 was amended to reference the appropriate EIS;
- Condition 27 was amended to encompass additional requirements in the Environmental Management Plan, namely;
 - o Yearly reporting to Council regarding total tonnage processed;
 - o Prevention of leachates flowing to the Tweed River during flood events; and
 - o Flood Management Plan to contain waste during a flood event up to the design flood.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	 Ned Wales
 Stephen Phillips	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016NTH024 – Tweed Shire – DA16/0647
2	PROPOSED DEVELOPMENT	The application seeks consent for a combined development comprising three (3) General Industry tenancies and a Waste or Resource Transfer Station (WRTS) that would process mixed waste materials from building yard and construction sites. The WRTS will process 6,000 tonnes of waste and resources per year. Waste from the construction sites would be transported to the facility in skip bins which would be unloaded, sorted and processed. During this process, any recyclable materials will be sold for reuse while non-recyclables were to be transported to landfill sites for disposal.
3	STREET ADDRESS	16 Naru Street, Chinderah
4	APPLICANT OWNER	JM & MA Mitchell, C/- Planit Consulting Pty Ltd Wareemba Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental Planning & Assessment Regulations Schedule 3 Designated Development (Clause 32) • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 71 - Coastal Protection • Draft State Environmental Planning Policy – Coastal Protection

		• State Environmental Planning Policy (Infrastructure) 2007 • Tweed Local Environmental Plan 2014 • Tweed Development Control Plan Section A2 – Site Access & Parking Code • Tweed Development Control Plan Section A3 – Development of Flood Liable Land • Tweed Development Control Plan Section A11 – Public Notification of Development Proposals • Tweed Development Control Plan Section A13 – Socio-Economic Impact Assessment • Tweed Development Control Plan Section A15 – Waste Minimisation & Management • Tweed Development Control Plan Section A17 – Business, Enterprise Corridor and General Industrial Zones • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 4 October 2017 • Written submissions during public exhibition: 162 • Verbal submissions at the public meeting: - o Support – NIL - o Object – Douglas Meredith, Phillip Jeffels, John Anderson, Julie Bailey, Felicia Cecil. - o On behalf of the applicant – Catriona Tatam, Mark Tunks, Ari Craven, Jay Carter & Mick Mitchell
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site visit and final briefing meeting to discuss council's recommendation, 18 October 2017, 3:30pm. Attendees: - o <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow, Ned Wales and Stephen Phillips - o <u>Council assessment staff</u>: Denise Galle, Team Leader, Development Assessment; Danny Rose, Manager, Roads & Stormwater; Ray Clark, Engineer, Traffic.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to assessment report

SCHEDULE 2 – Conditions approved by the Panel	
GENERAL	
1.	The development (for a waste or resource transfer station and three general industrial units) shall be completed in accordance with the amended Environmental Impact Statement dated February 2017 and the following plans: DWG No ED-01 (Rev N) Ground Floor & First Floor Plan prepared by Scott Carpenter Architect and dated 17 February 2017; DWG No ED-02 (Rev N) Area Summary prepared by Scott Carpenter Architect and dated 17 February 2017; DWG No ED-03 (Rev N) Elevations prepared by Scott Carpenter Architect and dated 17 February 2017;

and

DWG No ED-05 (Rev N) Perspective Sketch Views prepared by Scott Carpenter Architect and dated 17 February 2017,

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

5. Council advises that the land is subject to inundation in a 1 in 100 year event to the design flood level of RL 3.2m AHD.

[GEN0195]

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

[GEN0300]

7. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) roofs, awnings or eaves, gutters and any part of the building, fences/ retaining walls and other services.

8. The Applicant shall submit an 'Application for Sewerage Ejection Pump Station' with the required attachments as outlined on the application form.

The pump unit will be owned, maintained and operated by the property owner.

The design of sewer pressure systems shall comply with the Water Services Association (WSA) of Australia's Pressure Sewerage Code of Australia WSA07-2007 and the pressure sewerage system manufacturer must be Council approved.

At least 24 hours emergency storage capacity shall be provided within the system, or hours of storage equivalent to the operating hours of the commercial property per day.

Pumps should be designed to pump a minimum of less than every 8 hours to reduce septicity in the pump well and rising mains.

The top of the tank shall be located at least 150mm above the 1 in 100 year flood level.

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

[GENNS02]

10. The development shall not exceed the following thresholds:

Recovery of General Waste

Involves having on site at any time no more than 1,000 tonnes or 1,000 cubic metres of waste or

involves processing of no more than 6,000 tonnes of waste per year.

Recovery of hazardous and other waste

Involves having on site at any one time no more than 200 kilograms of waste.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. The developer shall provide 26 car parking spaces including parking for the disabled (as required), as well as 2 bicycle parking spaces, in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for Building Works.

[PCC0065]

12. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

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

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

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

- (a) Tweed Road Contribution Plan:

149 Trips @ \$1221 per Trips \$109,157.40

(\$1,137 base rate + \$84 indexation)

(\$72,771.60 has been subtracted from this total as this development is deemed an 'Employment Generating Development' - 40%)

S94 Plan No. 4

Sector6_4

[PCC0215]

13. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 0.927 ET @ \$13,386 = \$12,409.09

Sewer: 1.7813 ET @ \$6,431 = \$11,455.54

14. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Controlled Activity Approval (CAA) under the Water Management Act 2000 has

been obtained for works within 40m of waterfront land (as defined under the Water Management Act 2000) or any works that involve an aquifer interference activity as defined under the Water Management Act 2000.

[PCC0575]

15. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of RL 3.2m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

16. 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) Widening of existing vehicular access: the existing vehicular footpath crossing is to be widened to provide a crossing that is approximately 10.5m wide at the boundary and 10m wide at the kerb line (for the portion fronting Lot 1).

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

Where Council is requested to issue a Construction Certificate for subdivision works associated with this 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 138 of the Roads Act 1993 will then NOT be required.

[PCC0895]

17. 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]

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

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.

- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - i) Bioretention basins/swales shall be designed in accordance with Water by Design's Bioretention Technical Design Guidelines (BTDG).
 - ii) Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application
 - iii) The section 68 Stormwater Drainage Works Application shall include a design checklist from part 3.7 of Water by Design's BTDG
 - iv) The section 68 Stormwater Drainage Works Application shall include a maintenance plan for any vegetated stormwater treatment devices
 - v) The section 68 Stormwater Drainage Works Application shall include details of how the bioretention is to be protected from sediment buildup during the construction phase of the development.

[PCC1105]

19. 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.

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. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1145]

20. 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]

21. 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]

22. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

23. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending,

relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

24. Prior to the issue of a Construction Certificate:

- a) Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - ie: the provision of water and sewerage to the development.
- b) Following this, requirements shall be issued by obtained from Council under Section 306 of the Water Management Act 2000.
- c) Following this, any works needing to be undertaken will require a further application to shall be made to and approval obtained from Council for the supply of water and sewerage to the development under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

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

25. All buildings are required to be clear of existing easements. A very minor encroachment (25mm) into the 'Easement for Overhead Power Lines' is currently demonstrated, that needs to be rectified with any construction certificate application.

[PCCNS01]

26. Finished ground levels (excluding floor levels) shall not exceed RL 2.2m AHD.

[PCCNS02]

27. An Environmental Management Plan (EMP) is to be submitted for the approval of Council's General Manager or delegate prior to the Issue of a Construction Certificate. The EMP is to incorporate mitigation measures as per Section 8 of the Environmental Impact Statement (as detailed below) and must also include management controls and monitoring, including (but not limited to):

- Waste
- Air Quality
- Noise
- Soil & Water
- Traffic & Transport
- Biodiversity
- Visual Amenity
- Heritage
- Overall Environmental Impacts of construction and operation
- Visual inspection of standing water in the Gross Pollutant Trap for any hydrocarbon or tannin contamination.
- Covering of green waste loads that remain on site for a long period of time.
- Covering of processed green wastes such as clippings, mulching and chips.
- Flood Management Plan to contain Waste during a flood event up to the design flood.
- Preventing of leachates to Tweed River during flood events
- Yearly reporting to Council in regards to total tonnage processed at the site

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. 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]

30. 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]

31. 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

[PCW0245]

32. 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]

33. 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]

34. 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]

DURING CONSTRUCTION

35. 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.

[DUR0005]

36. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

37. 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]

38. 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]

39. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

40. 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]

41. 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]

42. 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]

43. 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]

44. 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]

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

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

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

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

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

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

[DUR0435]

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

[DUR0445]

47. 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]

48. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[DUR1395]

49. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

50. 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]

51. 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]

52. 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 any use or occupation of the buildings.

[DUR1875]

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

[DUR1905]

54. 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 blown from the site.

[DUR2185]

55. 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]

56. 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]

57. 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]

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

[DUR2505]

59. 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]

60. 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]

61. 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]

62. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for proposed Lot 1 DP 1185359, from the existing water main in Naru Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

63. Acid sulfate soil is not to be disturbed or removed from the site during construction. If acid sulfate containing material is identified and/ or inadvertently disturbed during construction, work is to cease until further soil investigation has been carried out and, where required, an acid sulfate soil management plan has been provided to the satisfaction of the general manager or delegate.

[DURNS01]

64. The construction of the acoustic fence shall be undertaken in accordance with the Environmental Noise Impact Report (Amended Sketch 1 dated 4/10/2017) prepared by CRG Acoustics in report dated 13 February 2017 and Dwg 20 (Rev E) *Acoustic Fence Detail*, prepared by Cozens Regan Williams Prove and dated 11 November 2016.

65. The development to be carried out in accordance with the report *Air Quality Impact Assessment* of ASK Acoustics and Air Quality dated 8 August 2016 and subsequent report dated 17 February 2017, except where amended by this approval.

[DURNS02]

66. Works in the vicinity of public infrastructure must comply with the following requirements;

a) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, concrete slab with construction joints along the alignment of the sewer easement or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.

b) Any fencing erected across the sewer main shall be designed and constructed with removable panels and

footings located at least 1.0 metres horizontally clear of sewer main.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

67. 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]
68. 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]
69. 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]
70. 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]
71. 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]
72. 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]
73. 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]
74. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.
[POC1055]
75. Prior to issue of the occupation certificate certification shall be provided by a suitably qualified Acoustic Consultant that demonstrates the Acoustic Fence has been installed in accordance with the Environmental Noise Impact Report (Sketch 1) prepared by CRG Acoustics dated 13 February 2017.
[POCNS01]
76. 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]
77. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
[USE0145]
78. 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]

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

* 7am to 6pm - Mondays to Fridays

* 7.30am to 5.30pm - Saturdays

* No operations are to be carried out on Sundays or Public Holidays

* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

80. 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]

81. 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]

82. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Friday and 7.30am to 5.30pm Saturday.

[USE0285]

83. The development shall be carried out in accordance with the Environmental Noise Impact report prepared by CRG Acoustics dated 13 February 2017.

[USE0305]

84. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

85. A backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owner's expense.

[USE1455]

86. Routine dust monitoring to be carried out in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* until the operation has been operating at capacity for a period not less than 12 months. Results of dust monitoring to be made available to Council officers on request.

[USENS01]

87. All waste processing activities are to be carried out strictly in accordance with NSW Legislative requirements, including (but not limited to) the Protection of the Environment Operations Act and Regulations.

[USENS01]

88. The site owner shall ensure that the stormwater treatment raingarden is maintained in good working order for the life of the development.

[USENS02]

89. The operation of the facility shall be undertaken in accordance with the approved Environmental

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 for work requiring a controlled activity approval

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA16/0647 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water must be notified to determine if any variations to these GTA will be required.
2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
 - (i) Works Schedule
 - (ii) Erosion and Sediment Control Plan
4. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ <<http://www.water.nsw.gov.au/>>Water-Licensing/Approvals.
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.

Reporting requirements

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

Security deposits

9. N/A

Access-ways

10. N/A
11. N/A

Bridge, causeway, culverts, and crossing

12. N/A
13. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water.

Disposal

14. N/A

Drainage and Stormwater

15. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

16. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

Erosion control

17. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

18. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

19. N/A

Maintaining river

20. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.

21. N/A

River bed and bank protection

22. N/A

23. N/A

Plans, standards and guidelines

24. N/A

25. N/A

26. N/A

27. N/A

Groundwater

28. N/A

END OF CONDITIONS