

Wednesday 20 February 2019

Subject: Development Application DA18/0884 - staged proposal consisting of warehouse or distribution centre, light industry, industrial retail outlet and ancillary office premises and electricity generating works (solar energy system); and additional works (NRPP) at Lot 10 DP 1084319; No. 1 Wollemi Place TWEED HEADS WEST; Lot 32 DP 1200182 & Lot 33 DP 1200182 & Lot 34 DP 1200182 & Lot 35 DP 1200182 & Lot 36 DP 1200182 & Lot 41 DP 1200182 & Lot 42 DP 1200182; Pacific Highway TWEED HEADS WEST; Lot 1 DP 1011625; Parkes Drive TWEED HEADS WEST

Reference: DA18/0884 (2018NTH022)

71569

[DAMemo]

Following a review of the draft recommended conditions of consent associated with the assessment report for DA18/0884, the applicant has requested a number of amendments for Council officer's consideration.

This Addendum Report lists all of the proposed amendments to the conditions and provides commentary on whether or not the amendments are supported by Council officers.

A full set of conditions (with track changes) is attached to this report. A copy of the applicant's requests are also attached to this report.

1. Conditions 33, 64 & 65 – Retention of Forest Red Gum

As noted in the assessment report, the proposed development included the removal of the existing mature Forest Red Gum (*Eucalyptus tereticornis*) on the subject site, with offsetting proposed at an unknown site. During the assessment the applicant was advised that off-site offsetting details would be required prior to determination of the application. Given the limited time to assess the application (at the request of the applicant to meet the deadline for the Panel's February meeting), the applicant was advised of Council's preference to retain the tree. The applicant then amended their proposal to incorporate on-site offsetting, which was not considered to be satisfactory by Council officers. Accordingly, the applicant was advised that the provisions of **Condition 33** was considered the best approach given the time constraints and they were encouraged to consider alternative off-setting sites, by which they could amend the proposal at a later date, having prepared an Offset Management Plan (in accordance with Appendix C of the Tweed Coast Comprehensive KPOM), secured a suitable offsetting site etc.

Current wording:

33. The plan being Dwg. No. A-DA-01-1 Rev. U, Overall Site Plan dated 31 January 2019 prepared by McVeigh shall be amended prior to the issue of any construction certificate to show retention of Tree No. 1 Eucalyptus tereticornis (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists. The nominated tree shall be retained

and afforded adequate protection for the life of the development. The following activities are prohibited from occurring within the 11 metre radius tree protection zone (measured from the base of the tree):

- a. Storage and mixing of materials, vehicle parking, liquid disposal, machinery repairs and /or refuelling;
- b. Construction of temporary site office or shed;
- c. Combustion of any material;
- d. Stockpiling of soil, rubble or debris;
- e. Any filling or excavation including trenching, topsoil skimming and/or surface excavation,
- f. Unauthorised application of pesticides, herbicides or chemicals.
- g. Erection of any fixtures or improvements, including buildings or structures
- h. Performance of any other acts which may have detrimental impact on the health and long term viability of the tree

* Reference to the PAR is for tree identification only and does not infer acceptance or approval of the PAR.

Request:

The applicant has advised Council officers of a potential offsetting site (Lot 7 DP 1074375) for the loss of the Forest Red Gum. In doing so, the applicant has requested the deletion of Condition 33 (in terms of the retention of the tree) and replacement with a new Condition 33, which relates to an Arborists report and the offsite offsetting proposal. In this regard, the applicant noted the following:

"Having taken Councils previous comments on board; to vary the offset location as required by the KPoM, a superior outcome for Koalas must occur. In this regard the applicant owns lot 7 Dp1074375 located at Piggabeen.

The property is:

- 1 - Currently vegetated and has capacity to be further improved by 16 additional trees;*
- 2 - Is mapped as preferred koala habitat; and*
- 3 - Is in an area adjacent to a known area of Koala activity (Cobaki), I.e it is not separated by significant urban area, water course, etc.*

It is given, although the site is not located in the southern KMA, this site provides a superior outcome for koala over the retention of the single isolated Forest Red Gum on the subject site.

It is hoped Council can consider this favorably now, so as to avoid a future section 4.55 application to try and deal with the item".

With regard to Condition 33, the following deletion / replacement condition is proposed by the applicant:

Proposed action

Delete condition and replace with a new condition:

Proposed Wording

33. *Tree No.1 Eucalyptus tereticornis (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists is approved for removal. To offset this removal, sixteen (16) Koala food trees of a species identified within the Tweed Koala Plan of Management are to be planted on Lot 7 DP1074375 and be established to the satisfaction of the General Manager of delegate.*

In addition to Condition 33, Council officers have recommended **Condition 64** with respect to tree protection measures during construction of the proposed development.

Current wording:

64. The protection of Tree No. 1 - Eucalyptus tereticornis (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists and associated 11 m radius tree protection zone pursuant to Condition 33 shall be reflected on all relevant engineering plans for any stage of the development involving works within 10 metres of the associated tree protection zone. All tree protection measures shall be in accordance with Australian Standard AS4970:2009 Protection of trees on development sites. Relevant plans shall be submitted to Council and approved by Council's General Manager or delegate prior to issue of any respective construction certificate.

Request:

The applicant has requested the deletion of Condition 64 and replacement with a new Condition 64, which relates to a Landscaping Plan identifying the location and specification of the 16 offsetting trees required by the applicant's proposed new Condition 33.

With regard to Condition 64, the following deletion / replacement condition is proposed by the applicant:

Proposed Action

Delete condition and replace with new condition requiring the preparation of detail landscaping plan identifying the location and specifications for the 16 Koala food tree offset required by the proposed new condition 33.

Proposed Wording

- 64 *A detailed plan of landscaping (Eucalyptus tereticornis (Forest Red Gum) is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate to include the following:*
- a. *Planting pallet that meets the following plant selection criteria:*
- i. *16 Koala Food Trees of a species as identified in Tweed Koala Plan of Management.*
 - ii. *The proposed planting locations within Lot 7 DP1074375.*
 - iii. *No noxious or environmental weed species*

Council officers have also recommended **Condition 65** with respect to a detailed plan of landscaping, which includes details of permanent tree protection measures around the perimeter of the existing Forest Red Gum.

Current wording:

65. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate for each stage of the development to include the following:
- a. Planting palette that meets the following plant selection criteria:
 - i. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
 - ii. A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
 - iii. No noxious or environmental weed species
 - b. Details of permanent tree protection features (i.e. bollards/fencing) around the perimeter of the tree protection zone to Tree No. 1 *Eucalyptus tereticornis* (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists as part of the Stage 2A detailed plan of landscaping.
 - c. Landscaping must be in accordance with RFS' Planning for Bushfire Protection 2006 requirements and must be compliant with Council's landscaping restrictions for sewer easements.

Request:

The applicant has requested an amendment to Condition 65, whereby part b of the condition is deleted, as follows:

Proposed Action

Delete condition 65 b - tree to be removed

Proposed Wording

It is proposed condition 65 read as follows:

- 65 A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate for each stage of the development to include the following:
- a. Planting pallet that meets the following plant selection criteria:
 - i. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
 - ii. A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
 - iii. No noxious or environmental weed species
 - ~~b. Details of permanent tree protection features (i.e. bollards/fencing) around the perimeter of the tree protection zone to Tree No. 1 *Eucalyptus tereticornis* (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists as part of the Stage 2A detailed plan of landscaping.~~
 - b. Landscaping must be in accordance with RFS' Planning for Bushfire Protection 2006 requirements and must be compliant with Council's landscaping restrictions for sewer easements.

Comment:

Council officers have undertaken a review of the applicant's requests with respect to **Conditions 33, 64 and 65**, with the following comments provided:

"The proposed particulars provided by the applicant to address Part 5.9.2 of the *Tweed Coast Comprehensive Koala Plan of Management 2015* (TCCCKPoM) fails to meet the minimum standard of an offset proposal as clearly set out in 'Appendix C – Offset Provisions' of the TCCCKPoM. The following information has not been provided nor has the NRM Unit had the opportunity to inspect the proposed offset receiving site to determine whether the site and proposed ratios are suitable to satisfy the key offset principles:

- An assessment of all options to avoid and mitigate impact on the Forest Red Gum has not been provided to demonstrate that retention is unachievable. It was NRM's opinion that tree retention could be reasonably possible without significantly modifying the design and layout of the proposed development.
- The precise location of the planting area on Lot 7 (shown in the image below) has not been described or shown on a plan. From air-photo interpretation there appears to be limited opportunity to establish 16 Preferred Koala Food Trees on the subject site at an adequate spacing to enable successful long-term growth and canopy development.



- Council is aware that the Qld Airport Ltd is responsible for delivering biodiversity offsets under other development schemes on Qld Airport Ltd (or associated entity) holding land. Council require confirmation that the proposed offset site doesn't form part of another biodiversity offset commitment.
- The proposal provides no detail of the timeframe required to establish and actively manage the offset area to achieve site capture. Similarly, the proposal does not include any detail on monitoring and reporting.
- Details of the mechanism to be applied to secure the offset area in perpetuity has not been provided.
- The proposal does not include a koala offset site management plan incorporating a habitat restoration plan component

Given the lack of information detailed above, NRM are not satisfied that the avoid and mitigate principle has adequately been considered by the applicant, nor has the proposal provided confidence that offsetting in accordance with the TCCKPoM can be achieved. On this basis NRM recommend that the draft conditions provided on the 04 February 2019 remain unchanged.

Notwithstanding, where the NRPP are to consider offsetting as an appropriate measure to meet the TCCKPoM and to satisfy Section 4.15(1)(b) of the EP&A Act, NRM would readily assist in determining the appropriate pathway and management arrangements necessary to achieve the aims and outcomes of the TCCKPoM where they relate to development of the subject site".

As highlighted within the original assessment report and noted above, time constraints have resulted in the applicant not able to provide sufficient information prior to determination to enable Council officers to support the proposed removal of the Forest Red Gum from the subject site. As noted above, Council officers are happy to review a properly made Offset Management Plan (prepared in accordance with Appendix C of the TCCKPoM, with a future amendment to DA18/0884 (should approval be granted)

considered the best course of action. Accordingly, it is recommended that the provisions of Conditions 33, 64 and 65 remain unchanged.

2. **Condition 40 – S7.11 Developer Contributions:**

Current wording:

40. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution 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 7.11 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 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 2A

(a) Tweed Road Contribution Plan:

205.0347 Trips @ \$921 per Trips	\$113,302.20
(\$815 base rate + \$106 indexation)	

(\$75,534.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices & Technical Support Facilities

3.1184 ET @ \$2187.14 per ET	\$6,820.38
(\$1,759.90 base rate + \$427.24 indexation)	

CP Plan No. 18

Stage 2B

(a) Tweed Road Contribution Plan:

164.8500 Trips @ \$921 per Trips	\$91,096.20
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(\$815 base rate + \$106 indexation)

(\$60,730.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

- (b) Extensions to Council Administration Offices
& Technical Support Facilities

2.7532 ET @ \$2187.14 per ET \$6,021.63

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Stage 3

- (a) Tweed Road Contribution Plan:

523.8125 Trips @ \$921 per Trips \$289,458.60

(\$815 base rate + \$106 indexation)

(\$192,972.40 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

- (b) Extensions to Council Administration Offices
& Technical Support Facilities

2.8674 ET @ \$2187.14 per ET \$6,271.41

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Request:

The applicant has requested the wording 'for the relevant stage' to be included in the first paragraph of Condition 40 (as shown below), to void ambiguity and to ensure the Construction Certificate for relevant stage can be issued without payment of all S7.11 contributions up front.

40. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan for the relevant stage.

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 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

Comment:

The inclusion of “*for each relevant stage*” is considered to be acceptable in this instance. It is considered more appropriate to include the wording within the second paragraph, as noted below (in red). An amended full version of recommended conditions is attached to this report.

40 Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority **for each relevant stage** unless all Section 7.11 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 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Request:

Having been provided with a detailed breakdown of the relevant S7.11 contributions, the applicant has requested some minor adjustments to the contribution amounts, TRCP trips and Council Admin facilities ET's shown within Condition 40. Firstly, the applicant has highlighted a higher trip rate credit that was applied to the Masters approval under DA13/0692. Secondly, the applicant highlighted a number of minor discrepancies with the calculations of Stage 2A and Stage 3 trips rates. Thirdly, the applicant noted that a Modification Factor had not been applied to the Industrial Retail

Outlet trips in Stage 3. Fourthly, the applicant noted that no credit had been applied to CP18 – Council Admin Contribution Plan. All of these requests are provided in detail in the attached request from the applicant.

Comment:

In terms of TRCP calculations, a detailed review of the applicable site credits was undertaken with the more recent assessment of DA17/0238 (in relation to the temporary car park approval on the subject site), whereby the site credit was determined to be **40.3653 trips** (based on 16.065 trips (D97/0436) + 24.3003 trips (DA05/0202)). The same credit of 40.3653 trips has been applied to DA18/0884. This decision is concurred with by Council's Traffic Engineer. Accordingly, the TRCP site credits applied to DA18/0884 remain unchanged.

The application of a modification factor was taken into consideration during Council officer's calculation of TRCP for Stage 3. It was not considered applicable to the proposed Industrial Retail Outlet (IRO). A 'Shop' modification factor relates to shared purpose journeys. It is considered that the proposed development does not incorporate shared purpose journeys for the general public, with the IRO being the only retail component of the development. As such, a modification factor is not supported. This decision is concurred with by Council's Traffic Engineer. Accordingly, the TRCP trips generated by Stage 3 remain unchanged.

The minor typos associated with the calculations of trips within Stage 2A and Stage 3 have been amended (as shown below in red), noting that the overall trip calculations remain unchanged. Accordingly, there are no proposed amendments to the overall TRCP contributions under Condition 40.

CP4 – Tweed Road Contribution Plan

[Council records show that the subject site has an existing TRCP credit of 40.3653 trips per day, based on contributions paid for previous land uses]

Stage 2A

= Warehouse + Office (note – Workshop does not trigger additional trips)
= (4 trips/100m² GLA) + (16 Trips/100m² GLA)
= (4 x 4005/100) + (16 x 532.5/100)
= 245.4 trips (less 40.3653 trips credit)
= 205.0347 trips per day

Stage 2B

= Warehouse only
= (4 trips/100m² GLA)
= (4 x 4121.25/100)
= 164.85 trips (no credit)

Stage 3

= Light Industry + Office + Ind Retail Outlet

$$\begin{aligned}
 &= (5 \text{ trips}/100\text{m}^2 \text{ GLA}) + (16 \text{ Trips}/100\text{m}^2 \text{ GLA}) + (200 + 0.8(A)\text{GLA}) \\
 &= (5 \times 3956.25/100) + (16 \times 225/100) + (200 + 0.8 \times 112.5) \\
 &= 523.8125 \text{ trips (no credit)}
 \end{aligned}$$

With regard to CP No 18 – Council Admin, the application of site credits is considered to be applicable. Accordingly, the calculation method and actual contributions have been amended (as shown below in red) to incorporate a site credit of 0.6286ET (applied to Stage 2A). As noted above, an amended full version of recommended conditions is attached to this report.

CP18 – Council Administration Contribution Plan

[Commercial development is charged at a rate of \$328.69 per 300m² GFA. \$2187.14 per ET at the time of calculation. **Site credit of 0.6286ET**]

Stage 2A

$$\begin{aligned}
 &= \text{Warehouse} + \text{Office} + \text{Workshop} \\
 &= 5340 + 710 + 175 \\
 &= 6,225\text{m}^2 / 300 \\
 &= 20.75 \times \$328.69 \\
 &= \$6,820.32 / \$2,187.14 \\
 &= 3.1184\text{ET (less 0.6286ET credit)} \\
 &= \mathbf{2.4898\text{ET}}
 \end{aligned}$$

Stage 2A

(a) Tweed Road Contribution Plan:

$$\begin{aligned}
 &205.0347 \text{ Trips @ } \$921 \text{ per Trips} \quad \$113,302.20 \\
 &(\$815 \text{ base rate} + \$106 \text{ indexation})
 \end{aligned}$$

(\$75,534.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

$$\mathbf{2.4898 \text{ ET}} @ \$2187.14 \text{ per ET} \quad \mathbf{\$5,445.54}$$

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

3. Condition 41 – S64 Water & Sewer Contributions:

Current wording:

41. 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:

Stage 1

Water = NIL

Sewer = NIL

Stage 2A

Water = 4.394 ET @ \$13,926 = \$61,190.80

Sewer = 5.334 ET @ \$6,690 = \$35,684.50

Stage 2B

Water = 5.495 ET @ \$13,926 = \$76,523.40

Sewer = 5.495 ET @ \$6,690 = \$36,761.60

Stage 2C

Water = NIL

Sewer = NIL

Stage 2D

Water = NIL

Sewer = NIL

Stage 3

Water = 6.775 ET @ \$13,926 = \$94,348.70

Sewer = 7.525 ET @ \$6,690 = \$50,342.30

Total for all Stages:

Water = 16.664 ET @ \$13,926 = \$93,666.30

Sewer = 18.354 ET @ \$6,690 = \$122,788.30

Request:

Similar to Condition 40, the applicant has requested the wording '*for the relevant stage*' to be included in the first paragraph of Condition 41 (as shown below), to void ambiguity and to ensure the Construction Certificate for relevant stage can be issued without payment of all S64 contributions up front.

41. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council *for the relevant stage* 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:

Comment:

The inclusion of "for each relevant stage" is considered to be acceptable in this instance. It is considered more appropriate to include the wording within the second paragraph, as noted below (in red). An amended full version of recommended conditions is attached to this report.

- 41 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 *for each relevant stage* 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:

4. Condition 48 – Bulk Water Meter:

Current wording:

48. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage for each Stage (i.e.: 2, 3 and 4) of the development. Applications for each of the bulk meter shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

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.

Request:

The applicant has requested Condition 48 be deleted or the wording amended, noting that “...*This condition would appear to apply to residential development in its current form*”.

Comment:

Council's Building Unit has reviewed the applicant's comments with regard to Condition 48 (which was adapted from one of Council's standard residential conditions) and has raised no objection to Condition 48 being amended to provide clarity. The recommended amendments remove reference to medium density / integrated development. It was also considered appropriate to remove the reference to the future Stage 4, as this application does not include future development of that component of the site. The following amendments (as shown below in red) to Condition 48 are recommended. An amended full version of recommended conditions is attached to this report.

- 48 **The proposed development** will be required to provide a single bulk water service at the road frontage for each Stage (i.e. **Stage 2 and 3**) of the development. Applications for each of the bulk metres shall be made to the supply authority detailing the size in accordance with the Plumbing Code of Australia (PCA) and BCA requirements.

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.

5. Condition 50 – Trade Waste Agreement:

Current wording:

50. Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, 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.

Request:

The applicant has requested Condition 50 be amended (as noted below), to allow the submission but not the approval of the trade waste agreement prior to the issue of a construction Certificate, noting that “...Typically, while such an application can be lodged, establishing the agreement can only be finalised once the relevant infrastructure is installed and connection to Council’s sewer network is established”.

Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, 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.

Comment:

Council’s Water & Wastewater Unit has reviewed the applicant’s request for an amendment to Condition 50. The wording of Condition 50 is standard and approval would normally be required at the Construction Certificate stage. However in this instance, given that the tenant of Stage 2A/2B (PFD) are already a customer of Council and Council is aware of their existing trade waste, Council will accept the wording “PRIOR to the issuing of an Occupation Certificate” to discharge to Council’s sewerage system for Stage 2A/2B only. As the tenant of Stage 3 is currently unknown, Council’s standard provisions apply for Stage 3 in that the Trade Waste Agreement must be approved prior to a Construction Certificate for that stage. The following amendments to Condition 50 (as shown below in red) are recommended. An amended full version of recommended conditions is attached to this report.

50 Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, 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 **an Occupation Certificate (for Stage 2A/2B) and PRIOR to the issuing of a Construction Certificate (for Stage 3)** to discharge to Council's sewerage system.

6. **Condition 58 – Signage Details:**

Current wording:

58. Prior to the issue of a Construction Certificate, the applicant is to provide detailed plans of proposed signage at the subject site including the number, location/orientation, type, content, method of illumination and proposed hours of operation for illumination of the signs, and demonstrate compliance with the requirements of Table 2.1 of Australian Standard AS4282-1997.

Request:

The applicant has requested the wording '*for the relevant stage*' to be included in Condition 58 (as shown below), to provide flexibility in complying with this condition. The applicant has noted that whilst the tenant of Stage 2A / 2B is known, *"...negotiations with the future tenant of Stage 3 is ongoing. Flexibility is needed to ensure Stage 2A & 2B can be submitted to Council independent of the final signage detail for stage 3".*

Prior to the issue of a Construction Certificate **for the relevant stage**, the applicant is to provide detailed plans of proposed signage at the subject site including the number, location/orientation, type, content, method of illumination and proposed hours of operation for illumination of the signs, and demonstrate compliance with the requirements of Table 2.1 of Australian Standard AS4282-1997.

Comment:

The applicant's request for inclusion of "for each relevant stage" is considered to be acceptable in this instance. Condition 58 will be amended accordingly, as noted below (in red). An amended full version of recommended conditions is attached to this report.

- 58 Prior to the issue of a Construction Certificate **for each relevant stage**, the applicant is to provide detailed plans of proposed signage at the subject site including the number, location/orientation, type, content, method of illumination and proposed hours of operation for illumination of the signs, and demonstrate

compliance with the requirements of Table 2.1 of Australian Standard AS4282-1997.

7. Condition 107 – Wall Construction:

Current wording:

107. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer **and** tiled to a height of at least 2 metres.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

Request:

An amendment to the wording of Condition 107 (as shown below) has been requested, with the applicant noting that "... *The condition has been expanded to ensure other wall / construction types are possible subject to Council's Environmental Officer ok. The Stage 2A & 2B food storage areas are predominantly refrigerated or freezer compartments which will be constructed of appropriate materials*".

All walls in the food preparation and storage areas shall be of solid construction. For this purpose, walls in such areas may be of masonry, stud wall or other such construction deemed appropriate by Council's Environmental Health Officer. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer **and** tiled to a height of at least 2 meters.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Comment:

Council's Environmental Health Unit has reviewed the applicant's request to amend Condition 107 in terms of allowing appropriate alternative materials. It was noted that materials/lining used in the construction of refrigerator/freezers are generally impervious and durable. No objections are made and the following amendment to Condition 107 is recommended (as shown below in red). An amended full version of recommended conditions is attached to this report.

107 All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction, **or other such construction deemed appropriate by Council's Environmental Health Officer**. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 metres.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

8. Condition 141 – Hours of Operation:

Current wording:

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

- * Stage 2A & 2B Warehouse workshop operations be limited to 7am to 6pm Monday to Saturday, and 8am to 5pm Sundays and public holidays.
- * Stage 3 Light Industrial operations be limited to 7am to 6pm, Monday to Friday.
- * Stage 3 Industrial Retail Outlet / Office operations be limited to 8.30am to 5pm, Monday to Saturday.

Request:

The applicant has requested an amendment of Condition 141 such that the proposed 24hr operations of the Stage 2A & 2B warehouse / distribution and office are included, to ensure there is no ambiguity.

Hours of operation are permitted as follows:

- Stage 2A & 2B Warehouse/Distribution & Office operations: 7am to 7am (24hr) Monday to Sunday;
- Stage 2A & 2B Workshop operations: 7am to 6pm Monday to Saturday, and 8am to 5pm Sundays and public holidays.
- Stage 3 Light Industrial operations be limited to 7am to 6pm, Monday to Friday.
- Stage 3 Industrial Retail Outlet / Office operations be limited to 8.30am to 5pm, Monday to Saturday.

Comment:

Council officers have reviewed the applicant's request to amend Condition 141. The inclusion of the 24hr operations for specific components of Stage 2A/2B is considered to be acceptable in this instance, to provide clarity and ease of future reference. It should be noted that Council Officer discussions with the applicant's acoustic consultant confirmed that 24/7 operation of the stage 2A & 2B warehouse/distribution was considered as part of the noise assessment. The acoustic consultant emphasised that the south-facing roller doors of Stage 3 Light Industry would be the activity that would likely generate the greatest potential impact to neighbouring residents, hence the stricter hours of operation for Stage 3 Light Industry. It is noted that no changes to the Stage 3 hours of operation are being proposed. The following amendment to Condition 141 is recommended (as shown below in red). An amended full version of recommended conditions is attached to this report.

141 Hours of operation of the business are restricted to the following hours:

- * **Stage 2A & 2B Warehouse / Distribution & Office operations: 7am to 7am (24hr) Monday to Sunday.**
- * Stage 2A & 2B Warehouse workshop operations be limited to 7am to 6pm Monday to Saturday, and 8am to 5pm Sundays and public holidays.
- * Stage 3 Light Industrial operations be limited to 7am to 6pm, Monday to Friday.
- * Stage 3 Industrial Retail Outlet / Office operations be limited to 8.30am to 5pm, Monday to Saturday.

9. Summary

As noted in the report above, Council officers have undertaken a detailed review of the applicant's requested amendments to the draft conditions of consent.

The attached full list of conditions of consent (with track changes) highlight the **recommended amendments to Conditions 40, 41, 48, 50, 58, 107 and 141.**

RECOMMENDATION:

That:

- A. The Clause 4.6 request to vary Clause 4.3 of Tweed Local Environmental Plan 2014 regarding the height of the building be supported and the concurrence of the Secretary of Planning and Environment be assumed.
- B. Development Application DA18/0884 for a staged proposal consisting of warehouse or distribution centre, light industry, industrial retail outlet and ancillary office premises and electricity generating works (solar energy system); and additional works (NRPP) at Lot 10 DP 1084319; No. 1 Wollemi Place TWEED HEADS WEST; Lots 32, 33, 34, 35, 36 & 42 DP 1200182 Pacific Highway TWEED HEADS WEST; Lot 1 DP 1011625; Parkes Drive TWEED HEADS WEST, be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, all additional documentation provided during the assessment and the following plans:
 - **A-DA-01-1 (Rev U) - Overall Site Plan** prepared by McVeigh and dated 31 January 2019;
 - **A-DA-02-1 (Rev I) - Stage 2A Warehouse Ground Floor Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-02-2 (Rev H) - Stage 2B Warehouse Ground Floor Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-03-1 (Rev I) - Stage 2A Office Floor Plans** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-04-1 (Rev J) - Stage 2A Roof Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-04-2 (Rev I) - Stage 2B Roof Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-05-1 (Rev J) - Stage 2A Elevations** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-05-2 (Rev I) - Stage 2B Elevations** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-06-1 (Rev H) - Stage 2A Office Elevations** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-07-1 (Rev G) - Stage 2A Workshop & Truck Wash Elevations** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-08-1 (Rev I) - Stage 2A Sections** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-12-1 (Rev D) - Stage 3 Light Industry Ground Floor Plan** prepared by McVeigh and dated 6 August 2018;
 - **A-DA-13-1 (Rev D) - Stage 3 Office Floor Plans** prepared by

McVeigh and dated 6 August 2018;

- **A-DA-14-1 (Rev D) - Stage 3 Roof Plan** prepared by McVeigh and dated 6 August 2018;
- **A-DA-15-1 (Rev D) - Stage 3 Overall Elevations** prepared by McVeigh and dated 6 August 2018;
- **A-DA-16-1 (Rev D) - Stage 3 Office Elevations** prepared by McVeigh and dated 6 August 2018; and
- **A-DA-17-1 (Rev D) - Stage 3 Sections** prepared by McVeigh and dated 6 August 2018,

except where varied by the conditions of this consent.

2. The development is to be undertaken in stages as follows:

Stage 1

- Demolition of existing buildings and improvements upon the site; and
- Tree Removal.

Stage 2A

- Site preparation including retaining, filling, services installation, all external road works, initial stage acoustic barrier, all landscape buffer plantings;
- Construction of Stage 1 of the food distribution building comprising 5340m² of 'Warehouse & Distribution Centre'; 710m² of ancillary 'Office Premises'; 175m² of Workshop and all associated parking, handstand, landscape areas, workshop and truck wash and signage;

Stage 2B

- Construction of stage 2 of the food distribution building comprising 5495m² of additional 'Warehouse & Distribution Centre' and signage.

Stage 2C

- Installation of a 250kw photovoltaic system on the roof of the Stage 2A building

Stage 2D

- Installation of an additional 100kw photovoltaic system on the roof of the Stage 2A/2B building, increasing the stage 2C system from 250kw to 350kw.

Stage 3

- Construction of 5275m² of 'Light Industry', 150m² 'Industrial Retail Outlet'; 300m² of ancillary 'Office Premises' and all associated parking, handstand, landscape areas, signage and ultimate stage acoustic barrier".

3. The future Stage 4 shown on the Overall Site Plan site is not part of

this consent and is subject to separate development approval.

[GEN0005]

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

[GEN0075]

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

[GEN0115]

6. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

7. 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]

8. 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]

9. Prior to the commencement of demolition of any structure 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 waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).

[GEN0365]

10. 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 - i.e.: the provision of water and sewerage to the development.

Note:

- (a) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.

- (b) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works.

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.

[GEN0375]

11. Additional acoustic assessment shall be undertaken once landscaping plant selections are finalised and approved in accordance with the recommendations of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref 18051 report REV 2) on 08 August 2018 and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant.

[GENNS01]

12. 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, non- boundary fences/ retaining walls and other services.
13. The sewer pump unit and rising mains for the development will be owned, maintained and operated by the property owner.
14. The design of sewer pumping station shall comply with the Water Services Association (WSA) standards WSA02-2002-2.3 or WSA07-2007 for Pressure Sewerage.
15. Pumps should be designed to pump a minimum of less than every 8 hours to reduce septicity in the pump well and rising mains.
16. Pump system shall be sized for industrial/ commercial and not domestic requirements.
17. At least 24 hours emergency storage capacity shall be provided within the sewer pump system, or hours of storage equivalent to the operating hours of the commercial property per day.
18. As the site is located within the Tweed Heads Wastewater Treatment Plant (WWTP) buffer zone, odour shall be taken into account of the overall development design. This shall include at a minimum, screening of the WWTP from public view and ventilation emanating from the side facing away from the Wastewater Treatment Plant, and any office/retail components of the industrial building are to be air conditioned, as outlined within DCP A5 and Tweed Shire Council Development Design Specification D12 Sewerage System, Section D12.04.8.

GENNS02]

19. The development shall be carried out in accordance with the provisions of the Demolition Plan for 1 Wollemi Place, Tweed Heads

West, prepared by Zone Planning Group (ref: Z18001) July, 2018.

20. The development shall be carried out in accordance with the provisions of the Odour Review for 1 Wollemi Place, Tweed Heads, prepared by Jacobs (ref: F0:V1) January 24, 2019.
21. At the commencement of works and in perpetuity the property for a distance of 20 metres, or to the boundary if less, around the buildings is to be maintained as an Inner Protection Area (IPA) and managed to prevent the spread of a fire towards the buildings in accordance with the requirements of Standards for Asset Protection Zones (RFS 2005).
22. Landscaping within the IPA is to undertaken in accordance with Appendix 5 of Planning for Bushfire Protection 2006 and managed and maintained in perpetuity.
23. Hydrants are to comply with AS2419.1-2005.
24. Should a gas service be installed the following aspects will require consideration:
 - Reticulated or bottled gas installed and maintained in accordance with AS1596 with metal piping used.
 - Fixed gas cylinders to be kept clear of flammable material by a distance of 10m and shielded on the hazard side of the installation.
 - Gas cylinders close to the building are to have the release valves directed away from the building and at least 2m from flammable material with connections to and from the gas cylinder being of metal.
 - Polymer sheathed flexible gas supply lines to gas meters adjacent to the buildings are not used.
25. The roof water/tank water supply shall not be utilised for potable purposes. Any tap stand or similar fixture which provides water sourced from the onsite water tank shall be provided with signs that indicate the water is not suitable for drinking purposes.
26. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property shall be complied with.
27. Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
28. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

29. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <<http://www.safework.nsw.gov.au/>>) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice - Work near Overhead Power Lines* and *Code of Practice - Work near Underground Assets*.
30. All works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.
31. The developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any works deemed necessary on the classified (State) road. The developer will be responsible for all costs associated with the works and administration for the WAD.
32. Approval (through a s138 application) is required for the intersection of Wollemi Place and Sugarwood Drive, demonstrating that the intersection can be constructed to allow a 26m B-Double vehicle to exit Wollemi Place without intruding into the right lane and be compatible with future two way designation of Sugarwood Drive.
33. The plan being Dwg. No. A-DA-01-1 Rev. U, Overall Site Plan dated 31 January 2019 prepared by McVeigh shall be amended prior to the issue of any construction certificate to show retention of Tree No. 1 *Eucalyptus tereticornis* (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists. The nominated tree shall be retained and afforded adequate protection for the life of the development. The following activities are prohibited from occurring within the 11 metre radius tree protection zone (measured from the base of the tree):
 - a. Storage and mixing of materials, vehicle parking, liquid disposal, machinery repairs and /or refuelling;
 - b. Construction of temporary site office or shed;
 - c. Combustion of any material;
 - d. Stockpiling of soil, rubble or debris;
 - e. Any filling or excavation including trenching, topsoil skimming and/or surface excavation,
 - f. Unauthorised application of pesticides, herbicides or chemicals.
 - g. Erection of any fixtures or improvements, including buildings or structures
 - h. Performance of any other acts which may have detrimental impact on the health and long term viability of the tree

* Reference to the PAR is for tree identification only and does not infer acceptance or approval of the PAR.

34. All site based Bush Stone-curlew (*Burhinus grallarius*) fauna management measures detailed in 'Section 7 - Impact Management Strategies' of the Bush Stone-curlew Impact Assessment, 1 Wollemi Place, Tweed Heads West dated January 2019 prepared by Biome Water and Environmental Consulting shall be implemented during the construction phase of the development.

[GENNS03]

35. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works pursuant to this consent located within the road reserve (External Road Works - Stage 2A). Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications for the following required works:

- Sussyer Avenue is to be upgraded to an industrial standard road as per drawing titled "External Roadworks & Drainage Layout Plan Sheet 1" and dated 22/10/18 with the following additional measures to be provided:
 - a. Upright kerb to be provided along the entire frontage of the property boundary of Sussyer Avenue.
 - b. A standard footpath to be provided along the entire frontage of the property boundary of Sussyer Avenue.
 - c. A turnaround area to be provided within the road reserve, which includes sealing up to the property boundary of the existing entrance adjacent to the existing transformer.
- The proposed cycleway along Sugarwood Drive and Wollemi Place is to be a minimum 2.5m wide as per Tweed Shire Councils standard drawing S.D.013 - Footpath and Cycleway Details.
- A pedestrian footpath 1.2m wide shall be provided in Wollemi Place, to connect into each of the kerb cycleway ramps.
- Driveway Access crossovers to an industrial / commercial standard as per Tweed Shire Council standard drawing S.D.017.
- All intersection and upgrade works including...i.e. (road works, stormwater, road furnishings, sediment and erosion control etc...)
- Relocation of existing services...i.e. (any relocation of electrical poles etc...)

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

- Road works/furnishings
- Stormwater drainage
- Sediment and erosion control plans

- Traffic Control Plan (as applicable)
- A combined services plan indicating location of all new / existing service conduits (water, sewer, electricity supply, landscaping, gas and telecommunication infrastructure, as applicable).
- (a) Including submission of electrical reticulation plans clearly identifying the location of streetlights), underground cables and all other electrical infrastructure including transformers and substations.

Application for the Section 138 of the Roads Act 1993 shall be made to Tweed Shire Councils Development Engineering Unit where an invoice will be provided for assessment based on the rates contained in Council's current Fees and Charges at an hourly rate.

36. Prior to the issue of a Construction Certificate for building works, a Detailed Geotechnical Investigation shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer (internal works - Stage 2A), detailing the actual settlement on site. It is essential that monitoring of settlement behaviour be carried out on the site to determine the actual settlement performance under load. Monitoring should consist of a system of settlement plates installed across the site once stripping has been completed and prior to the placement of fill. Refer to the recommendations provided in the Geotechnical Investigation report by Pacific Geotechnical dated August 2018.

A copy of the report is to be provided to the PCA with recommendations of appropriate foundation system, support of the proposed structure/s and the ability of the structure/s to tolerate any further settlement and potential ground surface movements.

37. All earthworks and filling (internal works - Stage 2A), shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

The earthworks and filling shall also be undertaken in accordance with the recommendations provided in the Geotechnical Investigation report by Pacific Geotechnical dated August 2018 and monitored by a Registered Geotechnical Testing Consultant.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches, including all trenches for services, shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

A copy of the report is to be provided to the PCA.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

38. The developer shall provide: 105 on-site car parking spaces (via Wollemi Place) and 36 heavy vehicle spaces (via Sussyer Avenue) for Stage 2; and 59 on-site car parking spaces (via Wollemi Place) for Stage 3, unless approved otherwise by the General Manager or his delegate. Each stage is to include parking for the disabled (as

required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code and AS2890.

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/Subdivision Works.

Staff and customer bicycle parking provisions are to be provided in accordance with the Bitzios Traffic Impact Assessment.

[PCC0065]

39. The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the proposed development, prepared in accordance with Section D7.07 of Council's *Development Design Specification D7 - Stormwater Quality*. Such plans are to include measures, monitoring and adaptive management actions to ensure appropriate stormwater quality outcomes are achieved.

Permanent stormwater quality treatment shall comply with the *Tweed Urban Stormwater Quality Management Plan* and Council's *Development Design Specification D7 - Stormwater Quality*. Variations to these standards shall only be accepted where they are supported by best practice water sensitive urban design principles entailed in the "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership).

Treatment basins must be provided with a facility to bypass major stormwater flow events (greater than the Q3 month storm event), or otherwise cater for major storm flows without disturbing captured pollutants or damaging the structure.

Proposed treatment measures other than "deemed to comply" measures as specified in Council's *Development Design Specification D7*, must be supported by engineering calculations, including MUSIC modelling, to confirm that acceptable capacity and efficiency is achieved.

An Operational Manual for all Stormwater Quality Control Devices must be provided as part of the SWMP.

A Section 68 Stormwater application shall be submitted to Council providing Detailed Design (Construction Issue) Civil engineering plans that include:

- Final earthworks and level plans including overall site sections;
- Detailed design plans of all bioretention basins including levels, pipe sizes and invert levels, inlet/outlet forebays, under-drainage layer layout and interaction with surrounding ground levels.
- Detailed design plans for all temporary sediment basins for construction phase of the development and details of erosion and sediment control measures.

[PCC0165]

40. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority for each relevant stage unless all Section 7.11 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 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 2A

(a) Tweed Road Contribution Plan:

205.0347 Trips @ \$921 per Trips \$113,302.20

(\$815 base rate + \$106 indexation)

(\$75,534.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices
& Technical Support Facilities

~~3.11842.4898~~ ET @ \$2187.14 per ET ~~\$6,820.38~~ \$5,445.54

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Stage 2B

(a) Tweed Road Contribution Plan:

164.8500 Trips @ \$921 per Trips \$91,096.20

(\$815 base rate + \$106 indexation)

(\$60,730.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

- (b) Extensions to Council Administration Offices
& Technical Support Facilities

2.7532 ET @ \$2187.14 per ET \$6,021.63

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Stage 3

- (a) Tweed Road Contribution Plan:

523.8125 Trips @ \$921 per Trips \$289,458.60

(\$815 base rate + \$106 indexation)

(\$192,972.40 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

- (b) Extensions to Council Administration Offices
& Technical Support Facilities

2.8674 ET @ \$2187.14 per ET \$6,271.41

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

[PCC0215]

41. 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 for each relevant stage 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:

Stage 1

Water = NIL

Sewer = NIL

Stage 2A

Water = 4.394 ET @ \$13,926 = \$61,190.80

Sewer = 5.334 ET @ \$6,690 = \$35,684.50

Stage 2B

Water = 5.495 ET @ \$13,926 = \$76,523.40

Sewer = 5.495 ET @ \$6,690 = \$36,761.60

Stage 2C

Water = NIL

Sewer = NIL

Stage 2D

Water = NIL

Sewer = NIL

Stage 3

Water = 6.775 ET @ \$13,926 = \$94,348.70

Sewer = 7.525 ET @ \$6,690 = \$50,342.30

Total for all Stages:

Water = 16.664 ET @ \$13,926 = \$93,666.30

Sewer = 18.354 ET @ \$6,690 = \$122,788.30

[PCC0265]

42. The building is to have a low reflective roof in accordance with the requirements of Gold Coast Airport Pty Ltd.

The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of a construction certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35).

The maximum intensity of any external light source to not exceed 0 candela at 3° above the horizontal.

[PCC0335]

43. 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 runoff or 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]

44. Prior to the issue of a Construction Certificate for Stage 2A, details

from a Structural Engineer are to be submitted to the Water 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]

45. 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]

46. 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. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.
- b) 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 68 of the Local Government Act will then NOT be required.

[PCC1145]

47. 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]

48. ~~Medium density/integrated developments, excluding developments~~

~~containing less than four attached or detached dwellings and having a Building Code classification of 1a.~~ The proposed development will be required to provide a single bulk water service at the road frontage for each Stage (ie: Stage 2, and 3 and 4) of the development. Applications for each of the bulk meter shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

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.

[PCC1185]

49. 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]

50. Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, 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 an Occupation Certificate (for Stage 2A/2B) and PRIOR to the issuing of a Construction Certificate (for Stage 3) ~~a Construction Certificate~~ to discharge to Council's sewerage system.

[PCC1255]

51. Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, 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]

52. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

53. Prior to the issue of a Construction Certificate for Stage 2A, the applicant is required to lodge an application to install/operate an onsite sewerage management system (private ejection pump station) under

Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993 shall be accompanied by a detailed hydraulic design report certified by a qualified hydraulic engineer and shall address the following criteria:

- * System type and specifications including pump-well volume, pump specifications and rising main size, length and location.
- * Details of operation and maintenance
- * The sewer pump is to be constructed in a flood proof well with electrical equipment located above 1 in 100 ARI.

Any approval to install an on site sewerage treatment system (private ejection pump station) shall comply with the hydraulic design specifications as certified by a qualified Hydraulic Engineer including all recommendations of that report and any addendum to the report to the satisfaction of Councils General Manager or his delegate.

[PCC1295]

54. 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]

55. Prior to the issue of a construction certificate an Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. The Acid Sulfate Soil Management Plan is to also consider the management of groundwater potentially intercepted from within Acid Sulfate Soils and any contamination matters. All work shall comply with the approved Acid Sulfate Soil Management Plan.
56. Prior to the issue of a construction certificate for each relevant stage, three copies of plans drawn to a scale of 1:50 detailing the following with regards to the proposed Stage 2A & 2B food storage areas shall be provided to Council's Environmental Health Officers for assessment and approval:

- 1) Floor plan and two sectional elevations

- 2) Layout of proposed Stage 2A & 2B food storage areas showing all equipment
- 3) All internal finish details including floors, wall, ceiling, lighting and counter/bench finishes
- 4) Hydraulic design, in particular the method of disposal of trade waste where required

Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.

[PCCNS01]

57. Prior to the release of the Construction Certificate for each relevant stage, details of the supply ventilation systems/air intakes servicing Stage 2A & 2B in accordance with the recommendations of the Odour Review for 1 Wollemi Place, Tweed Heads, prepared by Jacobs (ref: F0:V0) August 7, 2018 are to be submitted to the nominated Principal Certifying Authority for assessment and approval.

[PCCNS02]

58. Prior to the issue of a Construction Certificate, the applicant is to provide detailed plans of proposed signage at the subject site including the number, location/orientation, type, content, method of illumination and proposed hours of operation for illumination of the signs, and demonstrate compliance with the requirements of Table 2.1 of Australian Standard AS4282-1997.

[PCCNS03]

59. The proposed water and sewer infrastructure on the Civil Works Plans (McVeigh Plans C-DA-07-01 and C-DA-08-01) submitted are considered to be preliminary and are subject to change to meet Council requirements. Prior to the issue of a Construction Certificate for Stage 2A, updated plans shall be assessed under Section 68 of the Local Government Act for the relevant water / sewer works.

60. Prior to the issue of a Construction Certificate for Stage 2A plans for the Plumbing and Drainage Works on Private Land <<http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSepticForm.pdf>> application shall be provided to the Water Authority for approval.

61. Prior to the issue of a Construction Certificate for Stage 2A, plans shall be submitted to demonstrate that suitable screening along the entirety of the western boundary of the lot is provided, to enable screening of the Wastewater Treatment Plant from public view, as outlined in the DCP A5 and Tweed Shire Council Development Design Specification D12 Sewerage System, Section D12.04.8.

[PCCNS04]

62. Prior to the issue of a construction certificate for Stage 2 of the development, an application for airspace approval under the Airports (Protection of Airspace) Regulations is to be made via Gold Coast Airport Pty Ltd, in the event that detail design indicates that any part of the building will penetrate the OLS.

63. Prior to the issue of a construction certificate for each relevant stage of the development, an application for airspace approval under the Airports (Protection of Airspace) Regulations is to be made via Gold Coast Airport Pty Ltd, for any proposed temporary penetration of the OLS by use of construction cranes or other equipment, with a minimum of 8 weeks notice.
64. The protection of Tree No. 1 - *Eucalyptus tereticornis* (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists and associated 11 m radius tree protection zone pursuant to Condition 33 shall be reflected on all relevant engineering plans for any stage of the development involving works within 10 metres of the associated tree protection zone. All tree protection measures shall be in accordance with Australian Standard AS4970:2009 Protection of trees on development sites. Relevant plans shall be submitted to Council and approved by Council's General Manager or delegate prior to issue of any respective construction certificate.
65. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate for each stage of the development to include the following:
 - a. Planting palette that meets the following plant selection criteria:
 - i. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
 - ii. A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
 - iii. No noxious or environmental weed species
 - b. Details of permanent tree protection features (i.e. bollards/fencing) around the perimeter of the tree protection zone to Tree No. 1 *Eucalyptus tereticornis* (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists as part of the Stage 2A detailed plan of landscaping.
 - c. Landscaping must be in accordance with RFS' Planning for Bushfire Protection 2006 requirements and must be compliant with Council's landscaping restrictions for sewer easements.
66. Provide details of best practice aquatic fauna management measures to be implemented during dewatering of all onsite waterbodies. All fauna management measures shall be approved by Council's General Manager or delegate prior to issue of the relevant construction certificate.

67. Engineering design of Sugarwood Drive and Wollemi Place road widening shall demonstrate retention of Tree No. 2 - *Melaleuca quinquenervia* (Broad-leaved Paperbark) (as referenced in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019) and as generally shown on Dwg. No. 8945-SK-C-01 Rev. B dated 24 January 2019 prepared by McVeigh in accordance with management measures prescribed in the PAR with respect to the *M. quinquenervia* only. Tree protection measures shall be detailed on engineering plans and approved by Council's General Manager or delegate.
68. Vegetation occurring immediately adjacent to the subject site shall not be impacted as a result of the development and must be afforded adequate protection during the construction phase to the satisfaction of Council. Necessary vegetation protection measures shall be in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites*, detailed on engineering plans and approved by Council's General Manager or delegate.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

69. 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.
70. An application is to be made to Council to temporarily "cap off" the existing building sewerage house drainage from Council's sewerage system, prior to any demolition work commencing. A Plumbing and Drainage Works on Private Land application form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges.
71. Prior to the commencement of works, the applicant is to indicate their compliance with the provisions of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref: 18051 report REV 2) on 08 August 2018 (and any approved addendum/amendments) by providing to the Principal Certifying Authority appropriate details on the building components and systems intended to be used in the construction of the building with the corresponding STC/RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding STC/RW ratings.
72. The erection of a building in accordance with a development consent must not be commenced until:

[PCW0005]

[PCW0045]

[PCW0135]

- (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]

73. 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]

74. 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]

75. **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]

76. 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]

77. 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]

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

[PCW1005]

79. Where any existing sewer junctions are to be disused on the site, the connection point shall be permanently removed 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]

80. Prior to commencement of any works further investigation of potential contamination by a suitably qualified person as identified in the Detailed Site Investigation for Lot 10 DP 1084319, 1 Wollemi Place Tweed Heads West prepared by HMC Environmental Consulting (HMC2018.143), shall be completed and submitted to the satisfaction of the General Manager or his delegate. Investigation shall include (but not be limited to) identified areas of uncontrolled fill, dieldrin impacted soil, locations where equipment, lead batteries and/or oil/fuel containers have been stored, and water quality and sediments within the onsite retention ponds.

[PCWNS01]

81. Prior to commencement of any works a Remediation Action Plan (RAP) shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. All work shall comply with the approved RAP.

[PCWNS02]

82. Prior to commencement of any site or construction works (other than those required for remediation) a Site Audit Statement (SAS) from an accredited site auditor in accordance with the Contaminated Land Management Act 1997, is to be submitted to the satisfaction of the General manager or his delegate. The SAS is to certify that the land is suitable for the proposed land use. Conditions imposed on the SAS shall form part of this consent. Where the SAS conditions, if applicable, are not consistent with this consent, a Section 4.55 application pursuant to the Environmental Planning & Assessment Act 1979 will be required to ensure the conditions form part of the consent conditions.

[PCWNS03]

83. The applicant is to prepare a construction noise assessment prepared by a suitably qualified person. Should the assessment dictate the need for a Construction Noise Management Plan (CNMP), a CNMP shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate.

[PCWNS04]

84. Prior to commencement of works a Waste Management Plan (WMP) shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. The WMP shall address the objectives and requirements of Section 2.0 *Construction of Buildings or Structures* of Tweed Development Control Plan A15, including construction and operational phases.
85. All approved tree protection fencing shall be installed to the satisfaction of Council prior to commencement of any works.
86. All pre-construction Bush Stone-curlew management measures as prescribed in 'Section 7 - Impact Management Strategies' in the Bush Stone-curlew Impact Assessment, 1 Wollemi Place, Tweed Heads

West dated January 2019 prepared by Biome Water and Environmental Consulting shall be implemented prior to commencement of works to the satisfaction of Council.

87. Prior to the Commencement of Works for Stage 1, Development Consent DA17/0238 must be surrendered pursuant to Section 4.17 of the EP&A Act 1997 and Clause 97 of the EP&A Regulation 2000.
88. Prior to the commencement of any works for Stage 1, where any existing sewer junctions are to be disused on the site, the connection point shall be permanently removed 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.

[PCWNS05]

DURING CONSTRUCTION

89. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved trade waste agreement, approved construction certificate, drawings and specifications.

[DUR0005]

90. 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]

91. Commencement of work, including the switching on and operation of plant, machinery and 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]

92. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref: 18051 report REV 2) on 08 August 2018 (and any approved addendum/amendment).

[DUR0275]

93. The development shall meet the building construction requirements of Australian Standard AS 2021 (*Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*).

[DUR0285]

94. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref: 18051 report REV 2) on 08 August 2018, then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the building.

[DUR0295]

95. 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]

96. 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]

97. 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 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

98. 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]

99. 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]

100. 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 Councils road reserve.

[DUR0435]

101. 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 2017.

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]

102. Minimum notice of five working days shall be given to Tweed Shire Council for the permanent removal of any disused sewer junctions (if applicable). Tweed Shire Council staff shall undertake the works in accordance with the application lodged and upon excavation of the service by the developer.

[DUR0675]

103. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system. The disposal of all wash water, oil, grease or other pollutants shall be disposed of under the trade waste approval.

[DUR0975]

104. 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]

105. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

106. 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]

107. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction, or other such construction deemed appropriate by Council's Environmental Health Officer. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer **and** tiled to a height of at least 2 metres.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

108. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

109. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

110. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

111. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be:

- (a) Roofed;
- (b) Provided with a sealed floor; and

Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-liaible and shall be provided with pump out facilities.

[DUR1635]

112. 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]

113. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

114. 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]

115. 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]

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

[DUR2425]

117. 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]

118. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

119. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

120. The Applicant shall submit the appropriate 'Application for Water Meter Removal' form to Council's Water Unit to facilitate the removal of any existing water meters proposed to be unused as part of this development proposed. The removal of any existing connections shall

be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

121. The exportation or importation of waste (including VENM & ENM) from or to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW Environmental Protection Authority *Waste Classification Guidelines*.

[DURNS01]

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

- a) No portion of any structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
- b) Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability.
- c) 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 one metre from the sewer if no easement exists) 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.
- d) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted within the sewer easement or within one metre of the sewer if no easement exists, to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

[DURNS02]

123. All construction phase Bush Stone-curlew management measures as prescribed in 'Section 7 - Impact Management Strategies' in the Bush Stone-curlew Impact Assessment, 1 Wollemi Place, Tweed Heads West dated January 2019 prepared by Biome Water and Environmental Consulting shall be implemented to the satisfaction of Council.

124. All approved dewatering fauna management measures shall be implemented to Council's satisfaction during the construction phase.

125. All approved tree protection fencing shall remain for the duration of the construction period unless otherwise approved by Council's General Manager or delegate.
126. All landscaping shall be carried out in accordance with the approved detailed plan of landscaping for each stage of the development.
127. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact, appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing will take place until the Plan(s) of Management is/are approved.

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

128. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.
129. 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 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
130. 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.
131. 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).
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 s68h2 permanent Stormwater Quality Control Devices.
133. 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.
134. Prior to the issue of a final Occupation Certificate, all conditions of consent relevant to that stage are to be met.

[POC0005]

[POC0205]

[POC0225]

[POC0355]

[POC0985]

[POC1045]

[POC1055]

135. Prior to the issue of an occupation certificate, written validation shall be provided to the principal certifying authority from a suitably qualified person which certifies that the development complies with the recommendations and acoustic treatments as stated in the Environmental Noise Impact Report prepared by CRG Acoustics (crgref: 18051 report REV 2) 8 August 2018 (and any approved addendum / amendments). The applicant shall carry out any further acoustic treatment recommended by the suitably qualified person to the satisfaction of the General Manager or delegate within 30 days from the date of recommendation, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[POCNS01]

136. Prior to the issue of an Occupation Certificate and also prior to the end of defects liability period, a CCTV inspection of any gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council. Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification. All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[POCNS02]

137. All approved landscaping requirements must be completed to the satisfaction of Council's General Manager or delegate PRIOR to the issue of the occupation certificate for each relevant stage of the development. Landscaping must be maintained at all times to the satisfaction of the Council's General Manager or delegate.

[POCNS03]

USE

138. 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]

139. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

140. 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]

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

* Stage 2A & 2B Warehouse / Distribution & Office operations:
7am to 7am (24hr) Monday to Sunday.

* Stage 2A & 2B Warehouse workshop operations be limited to 7am to 6pm Monday to Saturday, and 8am to 5pm Sundays and public holidays.

* Stage 3 Light Industrial operations be limited to 7am to 6pm, Monday to Friday.

* Stage 3 Industrial Retail Outlet / Office operations be limited to 8.30am to 5pm, Monday to Saturday.

[USE0185]

142. 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]

143. 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]

144. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

145. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

146. All hazardous and/or dangerous goods shall be stored in accordance

with requirements of WorkCover NSW.

[USE1035]

147. 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]

148. The development shall be operated in accordance with the Recommended Acoustic Treatments identified in the *Environmental Noise Impact Report, 8 August 2018* prepared by CRG Acoustics (crgref: 18051 report REV 2) (and any approved addendum / amendments).

[USENS01]

149. Waste collection for any stage of the development is limited to the daytime period between 7am and 6pm.

[USENS02]

150. The Stage 2 Workshop is only permitted to undertake basic maintenance and vehicle care. Major repairs or heavy maintenance is not permitted.

151. The preparation or packaging of food is not permitted within Stage 2 of the development.

[USENS03]