

**Conditions for DA21/0949 - seniors housing comprising of 94 independent living units and 1 manager's residence,, swimming pool, tree removal, and lot consolidation (NRPP) at Lot 115 DP 237806; No. 10 Powell Street TWEED HEADS; Lot 116 DP 237806; No. 12 Powell Street TWEED HEADS; Lot 117 DP 237806; No. 33 Florence Street TWEED HEADS; Lot 118 DP 237806; No. 35 Florence Street TWEED HEADS; Lot 119 DP 237806; No. 37 Florence Street TWEED HEADS; Lot 113 DP 237806; No. 6 Powell Street TWEED HEADS; Lot 114 DP 237806; No. 8 Powell Street TWEED HEADS, (*Alyssa Norton*)
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"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within twelve (12) months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 76 of the Environmental Planning and Assessment Regulation subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 and Section 76 of the Regulations

- A. Amended plans are to be provided to Council and approved by Council's General Manager or their delegate, showing compliance with section 8(b)(i) and (ii), Part 1, Schedule 4 of SEPP(Housing) 2021 for unit types K-1, K-3, K-4 and K-5.
- B. Amended plans are to be provided to Council and approved by Council's General Manager or their delegate, showing compliance with section 19(c), Part 2, Schedule 4 of SEPP(Housing) 2021 for unit types C-1 and C-2.
- C. Amended plans are to be provided to Council and approved by Council's General Manager or their delegate, showing compliance with section 108(2)(h)(i), Division 7 of SEPP(Housing) 2021 for Unit 107 on the ground floor of the development.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the following plans, except where varied by the conditions of this consent, and those approved under Schedule "A".

Sheet Name	Date	Prepared by
Site Plan	17/08/2022	Raunik Design Group Architects
Basement	15/02/2023	Raunik Design Group Architects
Level Ground	15/02/2023	Raunik Design Group Architects
Level 1	15/02/2023	Raunik Design Group Architects
Level 2	15/02/2023	Raunik Design Group Architects
Level 3	15/02/2023	Raunik Design Group Architects
Level 4	15/02/2023	Raunik Design Group Architects
Level 5	15/02/2023	Raunik Design Group Architects
Level 6	15/02/2023	Raunik Design Group Architects

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Roof Level	15/02/2023	Raunik Design Group Architects
Unit Types D & D-1	17/08/2022	Raunik Design Group Architects
Unit Types E & L	17/08/2022	Raunik Design Group Architects
Unit Type E-1	17/08/2022	Raunik Design Group Architects
Unit Type F-1	17/08/2022	Raunik Design Group Architects
Unit Types C-1 & F (as amended)	17/08/2022	Raunik Design Group Architects
Unit Types L-4 & P	15/02/2023	Raunik Design Group Architects
East Elevation - E1	15/02/2023	Raunik Design Group Architects
East Elevation - E2	17/08/2022	Raunik Design Group Architects
North Elevation - N1	15/02/2023	Raunik Design Group Architects
North Elevation - N2	15/02/2023	Raunik Design Group Architects
South Elevation - S1	17/08/2022	Raunik Design Group Architects
South Elevation - S2	17/08/2022	Raunik Design Group Architects
West Elevation - W1	17/08/2022	Raunik Design Group Architects
West Elevation - W2	17/08/2022	Raunik Design Group Architects
Building Section A	17/08/2022	Raunik Design Group Architects
Building Section B	17/08/2022	Raunik Design Group Architects

Staging of the development is approved as follows:

Stage 1. Demolition of dwellings houses, tree removal and consolidation of relevant allotments;

Stage 2. Construction of basement, ground floor and Blocks A and B; and

Stage 3. Construction of Block C.

[GEN0005]

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

[GEN0115]

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

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

[GEN0180]

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5. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.
6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. [GEN0265]
7. Any air-handling system, hot water system, humidifying system, warm-water system, water-cooling system or any other 'regulated system' as defined in Section 26 of the Public Health Act 2010 shall be installed in accordance with the relevant requirements of Part 2 Clause 6 of the Public Health Regulation 2012. [GEN0300]
8. Prior to demolition work commencing a sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site. The sign shall remain in place until all asbestos has been removed from the site. [GEN0315]
9. Prior to the commencement of construction of the new structure or use of the site a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2017. A copy of this certificate shall be forwarded to the Principal Certifier and Council within 7 days of completion of the 'clearance inspection'. [GEN0345]
10. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2017. [GEN0350]
11. Prior to demolition of any structure being commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by SafeWork 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). [GEN0360]
12. All remediation and validation works are to be carried out in accordance with the Remedial Action Plan prepared by HMC Environmental Consulting (Ref: HMC2021.179.07) and dated August 2022 and NSW Environment Protection Authority contaminated land statutory guidelines. Any variation to the proposed remediation strategy shall be approved in writing by Council's General Manager or delegate prior to the commencement of such work. [GEN0365]
13. On completion of remediation and validation works, and prior to commencement of construction works/issue of occupation certificate, a Site Remediation and Validation Report, and where required Environmental Management Plan, prepared by a suitably qualified

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environmental consultant in accordance with NSW Environment Protection Authority contaminated land statutory guidelines shall be submitted to the satisfaction of Council's General Manager or delegate confirming that the site is suitable for the proposed use. The report must be accompanied by the Northern Rivers Contaminated Land Program - Contamination Report Summary Table available at <https://www.tweed.nsw.gov.au/ContaminatedLand>.

[GENNS01]

14. Peep holes are to be incorporated into the front door of all dwellings to allow residents to see anyone approaching their dwelling.
15. Waste facilities are to be provided within each dwelling which allow for the separation of general waste and recycling.

[GENNS02]

16. The Applicant shall submit an 'Sewer Junction Installation, Alteration, Disconnection' form to Council's Water & Wastewater Unit to facilitate a sewer junction for the proposed development, from the existing sewer pipeline in Florence Street. The sewer junction works approved by Council's Water & Wastewater Unit must be completed before a S68 approval to Connect to Sewer (SEW) can be issued by Council's Building and Environmental Health Unit. Amended Engineering Plans are to be submitted to Council's Water & Wastewater Unit demonstrating the location of the proposed sewer junction inspection opening (I.O.) to be located within the subject site as well as having a minimum 1.0 metre horizontal clearance from the proposed basement wall to be compliant with TSC Development Design Specification D15, including being free of landscaping greater than 1.0 metre in height at maturity.

[GENNS03]

17. The removal of vegetation is limited to those trees assigned 'Remove' on Dwg. No. L21097-A101 Rev. B Tree Survey (Appendix 04) in Preliminary Arborist Report (PAR) Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture. The removal of vegetation identified in the PAR and shown on the Tree Survey (Appendix 04) as 'Prescribed Vegetation' and including Tree No. 29 *Syzygium smithii* (Common Lilly Pilly) shall not be undertaken until issue of Construction Certificate unless otherwise approved by Council's General Manager or delegate.
18. Tree No. 55 - *Corymbia citriodora* (Lemon-scented Gum) as identified in the Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture and shown on Dwg. No. L21097-A101 Rev. B Tree Survey (Appendix 04) shall be retained and protected for the life of the development.

[GENNS04]

19. Strictly based on the documents submitted, Essential Energy the following comments to make as to potential safety risks arising from the proposed development:

§ If a padmount substation is required for the development then a distance of 6 metres from the nearest part of the development to the padmount (measured horizontally) is required.

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20. Essential Energy makes the following general comments:

§ If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;

§ Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

§ Any activities in proximity to electrical infrastructure 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;

§ 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); and

§ 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) 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.

§ As part of the subdivision, an easement/s are/is created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;

§ Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

21. The developer shall provide no less than 93 parking spaces including parking for the disabled (as required) in accordance with Section 108(k) and Section 5, Part 1, Schedule 4 of SEPP (Housing) 2021.

No more than five (5) car parking spaces are to be allocated to Staff.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Certifier (Council or a Registered Certifier) with the Construction Certificate application for Building Works or the Subdivision Works Certificate application for Subdivision Works.

[PCC0065]

22. Section 7.11 Contributions

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

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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 include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution 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.

Note: All Section 7.11 Contribution payments are non-refundable.

Stage 2 - Construction of basement, ground floor and Blocks A and B

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	119.5 trips @ \$993.00 per trip (\$815.00 base rate + \$178.00 indexation)	\$118,663.50
	CP04 Road Contributions (1-Tweed Heads)	
b.	Contribution Plan No 5 - Local Open Space:	
	31.1245 ETs @ \$732.00 per ET (\$502.00 base rate + \$230.00 indexation)	\$22,783.13
	CP05 (Local OS) Casual Open Space	
c.	Contribution Plan No 11 - Tweed Shire Library Facilities:	
	31.1245 ETs @ \$1,007.00 per ET (\$792.00 base rate + \$215.00 indexation)	\$31,342.37
	CP11 Libraries	
d.	Contribution Plan No 12 - Bus Shelters:	
	31.1245 ETs @ \$76.00 per ET (\$60.00 base rate + \$16.00 indexation)	\$2,365.46
	CP12 Bus Shelters	
e.	Contribution Plan No 13 - Eviron Cemetery:	
	31.1245 ETs @ \$143.00 per ET (\$101.00 base rate + \$42.00 indexation)	\$4,450.80
	CP13 Cemeteries	
f.	Contribution Plan No 15 - Developer Contributions for Community Facilities:	
	31.1245 ETs @ \$2,083.00 per ET (\$2,083.00 base rate + \$0.00 indexation)	\$64,832.33
	CP15 Comm Facilities	
g.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:	
	31.1245 ETs @ \$2,252.11 per ET (\$1,759.90 base rate + \$492.21 indexation)	\$70,095.79
	CP18 Council Admin Facilities	
h.	Contribution Plan No 22 - Cycleways:	
	31.1245 ETs @ \$568.00 per ET (\$447.00 base rate + \$121.00 indexation)	\$17,678.71

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	CP22 Cycleways	
i.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	31.1245 ETs @ \$1,311.00 per ET (\$1,031.00 base rate + \$280.00 indexation)	\$40,804.21
	CP26 (Regional OS) Casual	
j.	Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping:	
	55 MDUs @ \$1,047.00 per MDU (\$1,047.00 base rate + \$0.00 indexation)	\$57,585.00
	CP27 TH Master Plan Open Space	

Stage 3 - Construction of Block C

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	120 trips @ \$993.00 per trip (\$815.00 base rate + \$178.00 indexation)	\$119,160.00
	CP04 Road Contributions (1-Tweed Heads)	
b.	Contribution Plan No 5 - Local Open Space:	
	28.3322 ETs @ \$732.00 per ET (\$502.00 base rate + \$230.00 indexation)	\$20,739.17
	CP05 (Local OS) Casual Open Space	
c.	Contribution Plan No 11 - Tweed Shire Library Facilities:	
	28.3322 ETs @ \$1,007.00 per ET (\$792.00 base rate + \$215.00 indexation)	\$28,530.52
	CP11 Libraries	
d.	Contribution Plan No 12 - Bus Shelters:	
	28.3322 ETs @ \$76.00 per ET (\$60.00 base rate + \$16.00 indexation)	\$2,153.24
	CP12 Bus Shelters	
e.	Contribution Plan No 13 - Eviron Cemetery:	
	28.3322 ETs @ \$143.00 per ET (\$101.00 base rate + \$42.00 indexation)	\$4,051.50
	CP13 Cemeteries	
f.	Contribution Plan No 15 - Developer Contributions for Community Facilities:	
	28.3322 ETs @ \$2,083.00 per ET (\$2,083.00 base rate + \$0.00 indexation)	\$59,015.97
	CP15 Comm Facilities	
g.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:	
	28.3322 ETs @ \$2,252.11 per ET (\$1,759.90 base rate + \$492.21 indexation)	\$63,807.23
	CP18 Council Admin Facilities	
h.	Contribution Plan No 22 - Cycleways:	
	28.3322 ETs @ \$568.00 per ET (\$447.00 base rate + \$121.00 indexation)	\$16,092.68
	CP22 Cycleways	
i.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	28.3322 ETs @ \$1,311.00 per ET (\$1,031.00 base rate + \$280.00 indexation)	\$37,143.51

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	CP26 (Regional OS) Casual	
j.	Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping:	
	40 MDUs @ \$1,047.00 per MDU (\$1,047.00 base rate + \$0.00 indexation)	\$41,880.00
	CP27 TH Master Plan Open Space	

[PCC0215]

23. 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.

[PCC0265]

24. In accordance with Section 6.14 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for BUILDING WORKS OR Subdivision Works Certificate for SUBDIVISION WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

25. The basement car parking is to be protected against the inflow of water to a level of 500mm above the Design Flood Level of RL 2.6m AHD in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. This immunity shall be provided at all accesses including external stairs to the basement car park. The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (onsite and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Certifier (Council or a Registered Certifier) prior to the issue of a Construction Certificate.

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

[PCC0685]

26. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required

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works:

- (a) Vehicular access off Powell Street and Florence Street

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable)

[PCC0895]

27. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or neighbouring private property or within 200mm of the subject site's property boundary, without prior consent from Council or the applicable neighbouring property owner being obtained. If the land is owned by Council, approval is required from the General Manager or his delegate.

If proposed, prior to the issue of a Construction Certificate for the basement, the Proponent must enter into a contract regarding liability for the ground anchors and lodge an application under Section 138 of the Roads Act (with applicable fee) plus a bond for each road frontage (as per Council's current fees and charges). This bond will be refunded upon the removal of the ground anchors to the satisfaction of Council. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

[PCC0955]

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

- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.B2 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.

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- (ii) Runoff from all hardstand areas, (including access ramp, basement car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- (iii) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

29. A Construction Certificate/Subdivision Works 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 Subdivision Works Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Subdivision Works Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

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

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

[PCC1155]

31. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be no greater than pre-

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development rates. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to generally comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

- [PCC1165]
32. 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. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage 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 a Registered Certifier.

- [PCC1185]
33. 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]
34. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

- [PCC1235]
35. 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 Certifier (Council or a Registered Certifier) 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]
36. Prior to the issue of a Construction Certificate the applicant is to prepare an additional acoustic assessment for the final plant selection and plant locations as recommended in the

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Environmental Noise Impact Report prepared by CRG Acoustics dated 26 July 2022 (crgref: 21106 report rev. 1). The completed assessment shall be submitted to the satisfaction of the General Manager or his delegate. The assessment is to include any recommended noise amelioration measures to be carried out by the applicant.

[PCCNS01]

37. Prior to the Construction Certificate being issued plans drawn to a scale of 1:50 detailing all food and drink related areas shall be provided to Council for assessment and approval. The plans shall be accompanied by a completed Application for Approval of Food Premises Fitout Plan and the adopted fee in Council's Fees and Charges. Evidence of the plans being approved shall be provided prior to release of the construction certificate. Plans are to include:

- Floor plan and elevations;
- Layout of kitchen, bar and all equipment;
- All internal finish details including floors, wall, ceiling and lighting;
- Hydraulic design and /or method of disposal of trade waste; and
- Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.

[PCCNS02]

38. A certificate of structural adequacy, by a qualified structural/civil engineer, with regard to the stability of the development as a result of flooding, shall be submitted to Council prior to the issue of any Construction Certificate.

[PCCNS03]

39. Prior to issue of Construction Certificate a detailed plan of landscaping shall be submitted to Council and approved by Council's General Manager or delegate. The detailed plan of landscaping shall include the following:

§ A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees elsewhere

§ 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) elsewhere.

§ No environmental weed species

§ Where fencing is proposed within the Tree Protection Zone of Tree. No. 55 *Corymbia citriodora* (Lemon-scented Gum) identified in Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture, fencing shall be of post and rail design to minimise tree root disturbance.

40. All existing trees within the road reserve are to be retained and protected during construction unless otherwise approved by Council's General Manager or delegate. Where removal is unavoidable and approved by Council under Section 138 of the Roads Act 1993, street trees shall be replaced by the applicant with a similar coastal native species of minimum 80 Litre stock size in accordance with Council's Development Design Specification D14.08.03C Tree Planting and Location and Standard Drawing 'Tree and Shrub Planting Details' Dwg. No.

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SD701.

41. Prior to issue of Construction Certificate civil engineering plans shall be submitted to Council and approved by Council's General Manager or delegate to demonstrate that natural ground levels as shown on Contour and Detail Survey of Lots 113-119 on DP237816 dated 10/11/2020 prepared by Landsurv Pty Ltd within the Tree Protection Zone of Tree No. 55 *Corymbia citriodora* (Lemon-scented Gum) identified in Preliminary Arborist Report (PAR) Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture are to remain unaltered in accordance with recommendations of the PAR.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

42. 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 Certifier advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
- [PCW0005]
43. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.
- [PCW0125]
44. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or a registered certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifier 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

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- (ii) notified the principal certifier 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.
- 45. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifier" shall be submitted to Council at least **2 days** prior to work commencing. [PCW0215]
- 46. Residential building work: [PCW0225]
 - (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information. [PCW0235]
- 47. 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]
- 48. Where prescribed by the provisions of the Environmental Planning and Assessment

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Regulation 2021, 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 certifier 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]

49. A Dilapidation Report detailing the current general condition (including the structural condition) of the adjoining buildings/sites, infrastructure and driveways is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report (supported by recent photos) is to be submitted to and accepted by the Principal Certifier prior to commencement of ANY works on the site.

[PCW0775]

50. 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]

51. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

52. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new (or modification of the existing) driveway access (or modification of access).

Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

53. The following vegetation as identified on Dwg. No. L21097-A101 Rev. B Tree Survey

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(Appendix 04) in Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture shall be provided vegetation protection fencing in accordance with Australian Standard AS4970:2009 Protection of trees on development sites prior to the commencement of demolition works unless a Construction Certificate has been issued:

§ Tree No. 55 - *Corymbia citriodora* (Lemon-scented Gum);

§ All 'Prescribed Vegetation'; and

§ Tree No. 29 *Syzygium smithii* (Common Lilly Pilly)

54. A suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) must be appointed prior to the commencement of demolition works. The Project Arborist is to be responsible for supervising all tree management works and completing certification of tree management requirements.
 55. Vegetation protection fencing where required during the demolition works period by conditions of this consent shall remain for the duration of the demolition works period unless otherwise approved by Council's General Manager or delegate.
 56. All necessary Bush Stone-curlew management measures shall be satisfactorily completed prior to commencement of demolition works and during demolition works in accordance with the Bush Stone-curlew Impact Assessment dated July 2022 prepared by Biome Water & Environmental Consulting.
- [PCWNS02]
57. Prior to commencement of works vegetation protection fencing in accordance with Australian Standard AS4970:2009 Protection of trees on development sites and Section 4.0 'Discussion & Recommendations' of the Preliminary Arborist Report (PAR) Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture shall be installed to the satisfaction of Council's General Manager or delegate to retain and protect Tree No. 55 *Corymbia citriodora* (Lemon-scented Gum) as identified in the PAR. The vegetation protection fencing shall remain for the entire construction period unless otherwise approved by Council's General Manager or delegate.
 58. A suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) must be appointed prior to the commencement of works. The Project Arborist is to be responsible for supervising all tree management works and completing certification of tree management requirements in accordance with:
 - § Australian Standard AS4970:2009 Protection of trees on development sites
 - § Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture
 - § Conditions of this consent relating to retention of vegetation.
- [PCWNS03]

DURING CONSTRUCTION

59. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

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- [DUR0005]
60. 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 Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment. 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]
61. 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]
62. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
- [DUR0225]
63. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.
- [DUR0235]
64. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.
- [DUR0255]
65. 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]
66. 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]
67. The Registered Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

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[DUR0405]

68. 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 SafeWork NSW requirements and Work Health and Safety Regulation 2017.

[DUR0415]

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

[DUR0445]

70. 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]

71. Minimum notice of five (5) working days shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

72. The use of vibratory compaction equipment (other than hand held devices) within 100m of any existing dwelling house, building or structure is strictly prohibited.

[DUR0815]

73. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

74. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his delegate.

[DUR0985]

75. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

76. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

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

[DUR1005]

77. 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]

78. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 3 Section 26 of the Public Health Act 2010 shall be installed in accordance with the requirements of Part 2, Clauses 6, 10, 13D and 13I of the Public Health Regulation 2012.

[DUR1645]

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

[DUR1685]

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

[DUR1695]

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

[DUR1705]

82. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

83. 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.

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[DUR1875]

84. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.3 -2010 & AS 1926.2-2007, the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pools Regulation 2008.
- (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

85. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

86. 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]

87. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section 15 - Waste Minimisation and Management and any approved management plans.

[DUR2195]

88. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]

89. 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]

90. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;

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- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

91. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

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

[DUR2505]

93. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

94. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

95. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

96. The Applicant shall submit the appropriate 'Water Meter Connection/Disconnection/Relocation' form to Council's Water Unit to facilitate a property service and/or water meter for proposed Lot 1, from the existing water main in Powell Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

97. The development shall be carried out in accordance with the provisions of the Construction Noise Management Plan prepared by CRG Acoustics dated 25 July 2022 (crgref: 21106

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Construction Noise Plan rev .1).

[DURNS01]

98. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority "Waste Classification Guidelines".

The importation of waste to the site is restricted to the following:

- a. Virgin excavated natural material (as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act);
- b. Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

The exportation of waste must be transported to a licenced waste facility or an approved site subject to a resource recovery order and exemption.

Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

99. Prior to the importation of any waste (including fill or soil) from the south-east Queensland fire ant biosecurity zone, the supplier of the waste must demonstrate that a current biosecurity instrument permit issued by the Qld Department of Agriculture and Fisheries is in place.
100. Any importation of waste (including fill or soil) from the south-east Queensland fire ant biosecurity zone must be in accordance with a current biosecurity instrument permit issued by the Qld Department of Agriculture and Fisheries.
101. Any importation of waste (including fill or soil) from the south-east Queensland fire ant biosecurity zone must be in accordance with NSW Department of Primary Industries requirements.

[DURNS02]

102. All works shall be carried out in accordance with the Dewatering Management Plan prepared by HMC Environmental Consulting Pty Ltd dated September 2021 (Report:HMC2021.179.02).

[DURNS03]

103. All construction activities shall be undertaken in accordance with:

§ Bush Stone-curlew Impact Assessment dated July 2022 prepared by Biome Water & Environmental Consulting
§ Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture

104. The applicant must comply with any reasonable directions given by the Project Arborist or Council's General Manager or delegate during the demolition and construction phase with respect to vegetation management measures employed onsite.

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105. The following activities during the construction period are to be restricted from the Tree Protection Zone of Tree No. 55 *Corymbia citriodora* (Lemon-scented Gum) identified in Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture unless otherwise approved by Council's General Manager or delegate:

- § Machine excavation including trenching
- § Excavation or silt fencing
- § Cultivation
- § Storage
- § Preparation of Chemicals, including cement products
- § Parking of vehicles or plant
- § Refuelling
- § Dumping of waste
- § Wash down and cleaning of equipment
- § Placement of fill
- § Lighting of fires
- § Soil level changes
- § Temporary or permanent installation of utilities and signs, and
- § Physical damage to the tree

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

106. 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).

[POC0205]

107. An Occupation Certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

108. Prior to the issue of an occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifier to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

109. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

110. The proprietor of the food premises shall provide appropriate notification to Council prior to commencement of operations by submitting Council's Food Premises Registration/Change of Details Form available at www.tweed.nsw.gov.au <<http://www.tweed.nsw.gov.au>> or by calling 02 6670 2400.

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[POC0625]

111. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

112. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

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

[POC0755]

114. Upon completion of all works on the site and prior to the issue of an Occupation Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the condition including the structural condition of the adjoining buildings/sites, infrastructure and roads. The dilapidation reports shall take into consideration the findings of the original reports and advise if any damages have occurred that could be attributed to the work the subject of this development consent. If damages have occurred the Principal Certifier is to be provided with evidence that the damages have been satisfactorily repaired prior to the issue of an Occupation Certificate.

A copy of the dilapidation report is to be provided to the Principal Certifier/Council.

[POC0825]

115. The lots are to be consolidated into one lot under one title. The plan of consolidation shall be registered with NSW Land Registry Services (formerly Land and Property Information (LPI)), prior to issue of an Occupation Certificate.

§ Lot 113 DP 237806; 6 Powell Street, Tweed Heads;

§ Lot 114 DP 237806; 8 Powell Street, Tweed Heads;

§ Lot 115 DP 237806; 10 Powell Street, Tweed Heads;

§ Lot 116 DP 237806; 12 Powell Street, Tweed Heads;

§ Lot 117 DP 237806; 33 Florence Street, Tweed Heads;

§ Lot 118 DP 237806; 35 Florence Street, Tweed Heads; and

§ Lot 119 DP 237806; 37 Florence Street, Tweed Heads.

[POC0855]

116. Upon completion of the pool the builder is to submit to the Principal Certifier a certificate stating that the "Water Recirculation System" has been installed in accordance with AS

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1926.3-2010.

- [POC0905]
117. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices.
- [POC0985]
118. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.
- [POC1045]
119. The swimming pool or spa is required to be registered at www.swimmingpoolregister.nsw.gov.au prior to the issue of any occupation certificate for the swimming pool or spa.
- [POC1100]
120. 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 Council's Development Design and Construction Specifications, prior to the issue of an Occupation Certificate.
- [POCNS01]
121. Prior to the issue of an Occupation Certificate, a "*Certificate of Practical Completion*" shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.
- [POCNS02]
122. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the registration of Easements for services, Rights Of Carriageway and Restrictions As To User, as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (a) Easement for services for the multi-purpose electricity padmount transformer
- Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the Right Of Carriageway / Easement shall make provision for maintenance of the Right Of Carriageway / Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.
- [POCNS03]
123. All landscape works must be completed in accordance with the approved detailed plan of landscaping to the satisfaction of Council's General Manager or delegate prior to issue of Occupation Certificate.
124. An arboricultural certification report prepared by the nominated Project Arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the issue of Occupation Certificate demonstrating compliance with the Preliminary Arborist Report Version 1.2 dated 12 August 2022 prepared by Zone Landscape Architecture and any other tree management measure/s imposed to protect retained vegetation during the construction period.

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[POCNS04]

USE

125. 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]

126. 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]

127. 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]

128. The development shall be carried out in accordance with the provisions of the Noise Impact Assessment Report prepared by Environmental Noise Impact Report prepared by CRG Acoustics dated 26 July 2022 (crgref: 21106 report rev. 1).

[USE0305]

129. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

130. Any premises used for the storage, preparation or sale of food shall meet the requirements of the *Food Act* 2003, FSANZ Food Safety Standards, AS 4674-2004 Design, Construction and Fit-out of Food Premises, and the requirements of Council's Environmental Health Officer.

[USE0835]

131. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

132. 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]

133. Any air-handling system, hot or warm water system, humidifying system or water-cooling system and any other regulated system as defined in Section 26 of the Public Health Act 2010 shall be operated and maintained in accordance with the requirements of Part 2 Divisions 2, 3, 4, 5 and 6 of the Public Health Regulation 2012.

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[USE0945]

134. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE1305]

135. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the **NSW Protection of the Environment Operations (Noise Control) Regulation 2017**.

[USE1510]

136. All landscape works shall be maintained at all times to the satisfaction of Council's General Manager or delegate.

[USENS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 90(2) OF THE WATER MANAGEMENT ACT 2000

Dewatering

137. Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

138. Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

139. A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.
Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

140. If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the

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applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

141. All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement
142. The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
143. Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
144. Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring

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programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

145. (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/water-licensing/dewatering
146. The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
147. Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
148. This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term
149. The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

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