

Recommended Conditions for DA22/0793 depot, general industry and public administration building and signage on Proposed Lots 703 and 711 created from subdivision of Lot 604 DP 1244954 (NRPP) at Lot 604 DP 1244954; No. 208 Lundberg Drive SOUTH MURWILLUMBAH

GENERAL

- The development shall be completed in accordance with the Statement of Environmental Effects prepared by Zone Planning Group dated November 2022 and the following plans, except where varied by the conditions of this consent.

Plan Title	Prepared By	Drawing No.	Issue	Dated
Site Plan - Lot 711	Peddle Thorp	DD-A-01-02	1	31/10/22
Site Plan - Lot 703	Peddle Thorp	DD-A-01-03	1	31/10/22
Site Plan overlay with DB407	Tweed Shire Council Design Unit	SK-50	2	14/04/23
Workshops and Stores GA Plan	Peddle Thorp	DD-A-03-01	0	26/10/22
Office GA Plan	Peddle Thorp	DD-A-03-02	0	26/10/22
Floor Plan Workshops Part 1	Peddle Thorp	DD-A-12-01	0	26/10/22
Floor Plan Workshops Part 2	Peddle Thorp	DD-A-12-02	0	26/10/22
Floor Plan Stores Part 1	Peddle Thorp	DD-A-12-03	0	26/10/22
Floor Plan Workshops Part 2	Peddle Thorp	DD-A-12-04	0	26/10/22
Floor Plan Office	Peddle Thorp	DD-A-12-05	0	26/10/22
Roof Plan Workshops Part 1	Peddle Thorp	DD-A-12-11	0	26/10/22
Roof Plan Workshops Part 2	Peddle Thorp	DD-A-12-12	0	26/10/22
Roof Plan Stores Part 1	Peddle Thorp	DD-A-12-13	0	26/10/22
Roof Plan Stores Part 2	Peddle Thorp	DD-A-12-14	0	26/10/22
Roof Plan Office	Peddle Thorp	DD-A-12-15	0	26/10/22
Workshop Elevations	Peddle Thorp	DD-A-20-01 DD-A-20-02 DD-A-20-03	0	26/10/22
Office Elevations	Peddle Thorp	DD-A-20-05	2	26/10/22
Store Elevations	Peddle Thorp	DD-A-20-10 DD-A-20-11 DD-A-20-12	0	26/10/22
Workshop Sections	Peddle Thorp	DD-A-22-01 DD-A-22-02 DD-A-22-03	0	26/10/22
Office Sections	Peddle Thorp	DD-A-22-05 DD-A-22-10	0	26/10/22
Store Section	Peddle Thorp	DD-A-22-11	0	26/10/22
Electrical Services	DMA Engineers	ES02	B	16/12/22
Landscape Intent Plans (in 9 Sheets)	8LA Landscape Architecture	8LA_212601-SD5 to 8LA_212601-SD13	A	20/07/22
Gate Entry schematic	-	-	-	As uploaded 21/04/23

In the event of any inconsistency between the conditions of this approval and the documents referred to in Condition 1, including the Proponent's Statement of Environmental Effects, the conditions of this approval shall prevail.

In the event of any inconsistency between the documents referred to in Condition 1, the later of the documents shall prevail.

[GEN0005]

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

[GEN0115]

3. The parent subdivision approval (DA02/1685.27) shall be amended by virtue of a modification application with respect to Condition Number 11C. This is to ensure that the subject approval and the subdivision consent are not inconsistent in respect to the requirement of a fire trail over the development site.

[GENNS02]

4. 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]

5. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. 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.

[GEN0155]

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

[GEN0300]

7. The side and rear fence behind the front setback shall be to a maximum height of 2.1m and sited to ensure that the side fences do not impede sightlines for drivers.

8. The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the *Biosecurity (Invasive Ant Carriers) Control Order 2023* (including any revised orders made under the *Biosecurity Act 2015*) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;

- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with:

- a Plant Health Assurance Certificate, Plant Health Certificate, BioSecure HACCP Biosecurity Certificate or other required certificate as identified within the *Biosecurity (Invasive Ant Carriers) Control Order 2023* (and/or any subsequent orders or requirements); and
- a National Fire Ant Eradication Program Biosecurity Instrument Permit.

All material shall meet the requirements of the relevant Certificate and Permit.

It is an offence under the *Biosecurity Act 2015* if this material comes from within 5 kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

Further information on invasive ants, certificates, permits, and biosecurity zones can be found at NSW Department of Primary Industries <<https://www.dpi.nsw.gov.au/biosecurity/insect-pests/fire-ants>>, Queensland Government <<https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/biosecurity/plants/insects/fire-ants>>, the National Fire Ant Eradication Program <<https://www.fireants.org.au/>>, and Council's website <<https://www.tweed.nsw.gov.au/environment/pest-animals-weeds/pest-insects/fire-ants>>.

[GENNS01]

- The Underground Storage Petroleum Systems must be physically separated/barricaded from the Stormwater Drainage System and secured in a way such that there is no adverse impact during floods.
- The commissioning and use of the Underground Storage Petroleum Systems must be in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* or relevant NSW legislation and guidelines.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Certifier (Council or a Registered Certifier) **PRIOR** to the issue of a Construction Certificate.

[PCC0055]

12. The developer shall provide the parking spaces including 'accessible parking' (as required) in accordance with the approved plans as follows:

- Staff Car Parking Spaces - **130**

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

[PCC0065]

13. Section 7.11 Contributions

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

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, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

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

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	136 trips @ \$1,836.77 per trip (\$1,317.00 base rate + \$519.77 indexation)	\$149,880.24
	(\$99,920.00 has been subtracted from this total as this development is deemed an "Employment Generating Development") CP04 Road Contributions (9-Murwillumbah)	

PCC0215]

14. 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.

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 Council Officer.

[PCC0265]

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

[PCC0285]

16. Application shall be made to Tweed Shire Council under Section 138 of the *Roads Act 1993* for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications for the following required works:
- (a) Provision of a standard industrial access in accordance with Council's Development Control Plan - Section A2 "*Site Access and Parking Code*" and Council's "*Driveway Access to Property - Design Specification*" (current version).
 - (b) A swept path assessment has been undertaken by Stantec (Traffic Engineering report / technical note dated 7 October 2022) for each site access and demonstrates the required increased crossover splay widths to accommodate the design vehicle movements. The driveway splay widths and any associated median islands shall be constructed in accordance with Attachment B - swept path assessment of Stantec (Traffic Engineering report / technical note dated 7 October 2022) for each site access.

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)
17. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Certifier (Council or a Registered Certifier) prior to the issue of a Construction Certificate.

[PCC0945]

18. Permanent stormwater quality treatment shall be provided in accordance with the following to the satisfaction of Council's General Manager or his delegate:
- (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) Bioretention basins/swales/rain gardens shall be designed in accordance with Water by Design's Waterwise Street Trees and Bioretention Technical Design Guidelines.
- ii) Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application
- iii) The section 68 Stormwater Drainage Works Application shall include a maintenance plan for all vegetated stormwater quality treatment systems.
- iv) Bioretention basins/swales/rain gardens shall be designed in accordance with Water by Design's Waterwise Street Trees and Bioretention Technical Design Guidelines.
- v) Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application.
- vi) The section 68 Stormwater Drainage Works Application shall include a maintenance plan for any vegetated stormwater treatment device.

[PCC1105]

19. A Construction Certificate application for works that involve any of the following:

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

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

- 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.

[PCC1145]

20. Peak stormwater discharge (post-development) shall be limited to the pre-development flow rates. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the 1% AEP design storm shall be limited to the pre-development flow rates. Details are to be submitted with the S68 stormwater application to the satisfaction of Council's General Manager or his delegate.

[PCC1165]

21. 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]

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

[PCC1255]

23. Certification shall be provided by a duly qualified person that the design of any underground petroleum storage system shall be in accordance with the relevant NSW legislation and guidelines, *AS 4897-2008* (R2016) and demonstrates adoption of industry best practice. Certification shall make provision for pollution protection equipment to be installed, consistent with the Standards, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.
24. Certification shall be provided by a duly qualified person that the design of any alternative secondary leak detection system shall be in accordance with the relevant NSW legislation and guidelines, *AS 4897-2008* (R2016) and demonstrates adoption of industry best practice.
25. Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of Environmental Noise Assessment for the proposed Murwillumbah Work Depot At Lot 703 & Lot 711 Thornbill Drive, South Murwillumbah NSW prepared by TTM Group reference 22GCA0145 R01_3 dated 18/04/2023 This must be done by a Suitably Qualified Acoustic Consultant. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of Council's General Manager or delegate prior to the Construction Certificate being issued.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

26. 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]

27. 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
 - (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.

[PCW0215]

28. 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.

[PCW0225]

29. 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]

30. **Where prescribed by the provisions of the Environmental Planning and Assessment 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]

31. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, description of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

[PCW0375]

32. 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]

33. 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]

34. No works shall commence until such time that all public infrastructure as shown on the approved Subdivision Works Certificate associated with parent subdivision (as modified) for eleven (11) industrial lots as part of the Tweed Industry Central Land Swap (CC22/0263) are completed to Council's satisfaction. The following services shall be made available to the development site:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) vehicular access.

[PCWNS01]

35. The operators of the Murwillumbah Airfield (YMUR) shall be notified in writing of any boom, crane, or similar extension beyond the roof line of the approved buildings that is used during the construction phase of the development.

[PCWNS02]

DURING CONSTRUCTION

36. 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.

[DUR0005]

37. 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 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]

38. Any new information that comes to light during construction, which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier, all sitework must cease immediately. No works shall be undertaken until the required investigations have been completed and any permits or approvals obtained where required to the satisfaction of Council's General Manager or delegate.

39. 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]

40. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

41. 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]

42. 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]

43. The Principal 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*.

[DUR0405]

44. 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]

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

[DUR0445]

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

[DUR0815]

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

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

[DUR1005]

48. 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]

49. Access to the building for the people with disabilities shall be provided and constructed in accordance with the requirements of Section D4 of the National Construction Code Volume 1. Particular attention is to be given to the deemed-to-satisfy provisions of Part D4D3 and their requirement to comply with *AS1428*.

[DUR1685]

50. Where access is required to be provided to a building for the people with disabilities, sanitary facilities for the use of people with disabilities must also be provided in accordance with the provisions Part F4D5 of the National Construction Code.

[DUR1705]

51. 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]

52. 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]
53. 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.
[DUR2195]
54. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.
[DUR2215]
55. During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all s68h2 permanent Stormwater Quality Control Devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.
[DUR2445]
56. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
57. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
58. 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]

59. 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 people with disabilities; 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]

60. The Applicant shall submit the appropriate 'Application for Water Connection/Disconnection/Relocation' form to Council's Water Unit to facilitate a property service and/or water meter for the proposed development. The connection shall be undertaken by Tweed Shire Council, with all the applicable costs and application fees paid by the applicant.

[DUR2800]

61. 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) 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.
 - c) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted 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.
 - d) Deep soil planting zones are not permitted within the sewer easement or within one metre of the sewer if no easement exists, to ensure adequate protection of council's public sewer infrastructure.

[DURNS01]

62. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the Environmental Noise Assessment for the proposed Murwillumbah Work Depot At Lot 703 & Lot 711 Thornbill Drive, South Murwillumbah NSW prepared by TTM Group reference 22GCA0145 R01_3 dated 18/04/2023 must be implemented in the development.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

63. 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]

64. 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]

65. 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]

66. 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]

67. Pursuant to Section 68 of the *Local Government Act 1993*, an approved pre-treatment device (e.g., grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to the Sewerage System. 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.

68. Certification shall be provided by a duly qualified person that the installation and commissioning of any underground petroleum storage system shall be in accordance with the relevant NSW legislation and guidelines, *AS 4897-2008* (R2016) and demonstrates adoption of industry best practice. Certification shall provide detail that groundwater monitoring wells have been installed and tested in accordance with the legislation and an equipment integrity test has been carried out in line with the written directions of the duly qualified persons. Groundwater monitoring wells must be sealed to exclude surface water, constructed to prevent cross-contamination with other groundwater monitoring wells, properly secured and clearly marked to indicate their presence.

69. Certification shall be provided by a suitably qualified person that the installation and commissioning of any alternative secondary leak detection system shall be in accordance with the relevant NSW legislation and guidelines, *AS 4897- 2008* (R2016) and demonstrates adoption of industry best practice. Certification shall provide for a secondary leak detection system report prepared in relation to the system in accordance with NSW EPA guidelines.

[POCNS01]

70. Proposed Lots 703 and 711, as created from subdivision of Lot 604 DP 1244954, shall be registered with NSW Land Registry Services, prior to issue of any subsequent Final Occupation Certificate.
71. Prior to the issue of an Occupation Certificate, a Suitably Qualified Acoustic Consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier/Principal certifying Authority that the development complies with the requirements set out in the Environmental Noise Assessment for the proposed Murwillumbah Work Depot At Lot 703 & Lot 711 Thornbill Drive, South Murwillumbah NSW prepared by TTM Group reference 22GCA0145 R01_3 dated 18/04/2023. The applicant shall carry out any such recommendations as provided within the Post Construction Noise Impact Compliance Assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, 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.

[POCNS02]

USE

72. 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.
73. The LAeq, 15 min noise level emitted from the premises shall not exceed the Project Noise Trigger Levels established in the Environmental Noise Assessment prepared by TTM Group reference 22GCA0145 R01_3 dated 18/04/2023, at the boundary of any affected residence.
74. 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.
75. Hours of operation of the approved development is restricted to the following hours unless otherwise approved by Councils General Manager or his delegate:
- 6.00am to 5.00pm - Mondays to Fridays
 - 4.00pm to 7.00pm - Two times midweek (Servicing of trucks by workshop)
 - No operations are to be carried out on Sundays or Public Holidays
 - All deliveries and pickups relating to the approved development are to occur within the approved hours, except during emergency works.
 - Emergency works requiring access to the facility and use, can occur outside of the above operating hours. This is to facilitate and support in times of natural disasters, weather events, critical service breaks and / or support for emergency services.

[USE0185]

76. 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]

77. All commercial / industrial wastes shall be collected, stored, and disposed of in accordance with the approved Waste Management Plan prepared by Zone Planning Group, Reference N21059, Issue 3 dated 11 April 2023 or to the satisfaction of the General Manager or his delegate.

[USE0875]

78. The premises shall be maintained in a clean and tidy manner.

[USE0965]

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

[USE1035]

80. 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]

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

[USE1455]

82. Upon receipt of a lighting complaint that Council deems to be reasonable, the operator is to submit to Council a lighting impact study prepared by a suitably qualified consultant that considers AS4282 and includes recommendations for light attenuation for implementation by the operator.

[USENS02]

83. Any underground petroleum storage system, including groundwater monitoring wells or any alternative secondary leak detection system, shall be operated, maintained, and monitored in accordance with the relevant NSW legislation, AS4897-2008 (R2016) and demonstrate adoption of industry best practice. The Environment Protection Plan, or Fuel System Operation Plan, shall include details of loss monitoring and incident management procedures and development and use of loss detection procedures. The Plan must be kept UpToDate and amended as necessary.

[USENS02]

NEW SOUTH WALES RURAL FIRE SERVICE (NSW RFS) CONDITIONS UNDER SECTION 4.14 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

84. Asset Protection Zones

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

At the commencement of works and in perpetuity the entire property of Lot 711 is to be managed and maintained as an Inner Protection Area (IPA) to prevent the spread of a fire towards the buildings in accordance with Appendix 4 of *Planning for Bushfire Protection 2019*. When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly

85. Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

New construction (Fuel Station) must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

86. Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of building during and after the passage of bush fire, and to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

Fire hydrants proposed on Lot 711 shall comply with AS 2419-2005 and be certified by an Accredited Practitioner (Fire Safety).

The intent of measure is to locate gas and electricity so as not to contribute to the risk of fire to a building and to provide protection for emergency services personnel, residents and others assisting firefighting activities.

New electrical transmission lines if required are to comply with Section 7.4 and Table 7.4a of Planning for *Bushfire Protection 2019* as follows:

- where practicable, electrical transmission lines are underground; and
- where overhead, electrical transmission lines are proposed as follows:
- lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side
- connections to and from gas cylinders are metal
- polymer sheathed flexible gas supply lines are not used
- above-ground gas service pipes are metal, including and up to any outlets.
- gas installations are to comply with Clause 5.8 of AS 3959-2018. External gas pipes and fittings above ground shall be of steel or copper construction having a minimum wall thickness in accordance with gas regulations or 0.9mm whichever is the greater. The metal pipe shall extend a minimum of 400mm within the building and 100mm below ground.

87. Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

Landscaping is undertaken in accordance with Section 7.4 and Table 7.4a of *Planning for Bushfire Protection 2019* as follows and managed and maintained for the life of the development.

- compliance with the NSW RFS 'Asset protection zone standards' (see Appendix 4 of PBP 2019);
- a clear area of low-cut lawn or pavement is maintained adjacent to the building;
- fencing is constructed in accordance with section 7.6; and
- trees and shrubs are located so that:
 - the branches will not overhang the roof;
 - the tree canopy is not continuous; and
- any proposed windbreak is located on the elevation from which fires are likely to approach.

Note: The recommendations are based on the Bushfire Assessment Report prepared by Bushfire Certifiers for proposed new works Depot and Public Administration Building at 208 Lundberg Drive, South Murwillumbah (future Lots 703 & 711 approved under DA02/1685), dated 12/11/22.

A Bush Fire Emergency Management and Evacuation Plan may be prepared consistent with the NSW RFS publication: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, and the AS 3745:2010.