

**Recommended Conditions for DA22/0854 Staged Development for Public Administration Building & Animal rehoming facility and Council Pound and associated signage on proposed Lots 23 and 31 created from subdivision of Lot 2 DP 1139059, Lot 1 DP 232745, Lot 10 DP 1071301 and Lot 2 DP 1156966 (NRPP) at Lot 2 DP 1156966; Lundberg Drive SOUTH MURWILLUMBAH; Lot 2 DP 1139059; No. 102 Lundberg Drive SOUTH MURWILLUMBAH; Lot 1 DP 232745; No. 92 Lundberg Drive SOUTH MURWILLUMBAH; Lot 10 DP 1071301; Quarry Road SOUTH MURWILLUMBAH**

## **GENERAL**

1. The development shall be completed in accordance with the amended Statement of Environmental Effects prepared by Newton Denny Chapelle and the following plans, except where varied by the conditions of this consent.

<b>Document/Plan Title</b>	<b>Drawn By</b>	<b>Project No.</b>	<b>Dwg No</b>	<b>Rev.</b>	<b>Dated</b>
Cover Sheet	BJA Architecture	22006	A000	A	1/11/2022
Master Plan	BJA Architecture	22006	A001	A.	1/11/2022
Floor Plan Lot 23	BJA Architecture	22006	A101	A.	1/11/2022
Roof Plan Lot 23	BJA Architecture	22006	A102	A.	1/11/2022
Floor Plan Lot 31	BJA Architecture	22006	A103	A.	1/11/2022
Detailed Floor Plan Lot 23 - Building A	BJA Architecture	22006	A104	A.	1/11/2022
Detailed Floor Plan Lot 23 - Building B	BJA Architecture	22006	A105	A.	1/11/2022
Building A Elevation	BJA Architecture	22006	A200	A.	1/11/2022
Building B Elevation	BJA Architecture	22006	A201	A.	1/11/2022
Site Sections Lot 31	BJA Architecture	22006	A310	A.	1/11/2022
New gated entry (as amended in blue)	BJA Architecture	22006	A400	A.	1/11/2022
Kennel diagram and outdoor shelter	BJA Architecture	22006	A401	A.	1/11/2022
Signage Schedule PLAN	BJA Architecture	22006	A610	A.	1/11/2022
Signage Diagram - Typical Signage Set-out	BJA Architecture	22006	A611	A.	1/11/2022
Signage Diagram - Signage Types	BJA Architecture	22006	A612	A.	1/11/2022
Wayfinding Schedule - Ground Floor	-	22002	-	B.	28/06/2022
External Material Concept Plan (façade Envelope)	BJA Architecture	-	-	A	16/09/2022

[GEN0005]

2. Advertising structures/signs (other than those on the stamped approved plans) are to be the subject of a separate development application (where statutorily required). Such Advertising signs/structures are to be designed to be consistent with the existing approved signage strategy for the development (as detailed in the stamped approved signage diagram(s), wayfinding schedule and plans).

[GEN0065]

3. Signage is to be constructed and located to maintain the required sightlines as detailed in the Traffic Impact Assessment Report referenced 22406-TIA-C prepared by Greg Alderson Associates Pty Ltd dated 20-Dec-2022.
4. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.  
[GEN0075]
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
6. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.  
[GEN0135]
7. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.  
[GEN0265]
8. The owner is to ensure that all buildings and structures are constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.  
[GEN0300]
9. The Pound and Rehoming Facility is to be constructed and used in accordance with NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments.
10. The Pound and Rehoming Facility shall comply with the provisions of the Prevention of Cruelty to Animals Act 1979.
11. The livestock impound area shall comply with Biosecurity (National Livestock Identification System) Regulation 2017.
12. Any fencing erected on the site is to be located at least 3 metres behind a landscape buffer to the street interface and be no higher than 1.8m with maximum solid fence height of 600mm.
13. The development is to be implemented sequentially per the following Stages:  
Stage 1 - Proposed Lot 23 construction works:
  - Construction of all buildings, carparking, structures and associated works on Lot 23 and;
  - Establishment of a Right of Carriageway over Lot 31 to benefit Lot 23;Stage 2 - Proposed Lot 31 construction works:
  - Construction of all buildings, structures and associated works on Lot 31.

A separate Construction Certificate shall be obtained for each stage of the development.

[GENNS01]

14. On completion of remediation and validation works, and prior to commencement of any construction works associated with the building works, a site remediation and validation report, prepared by a suitably qualified environmental consultant in accordance with the approved Remedial Action Plan (Report No: 65366/154129 (Rev0) and NSW Environment Protection Authority (EPA) contaminated land statutory guidelines shall be submitted to the satisfaction of Council's General Manager or delegate. The report is to satisfactorily document that the remediation and validation of the site has been undertaken in accordance with Remedial Action Plan, reference 65366/154129 (Rev0), dated 23 August 2023 and that the site is suitable for the proposed use. The report must be accompanied by the Contamination Report Summary Table available at <https://www.tweed.nsw.gov.au/ContaminatedLand>
15. 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, sileage, 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 the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

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.

*Note: 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, sileage, 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 the relevant Certificate as identified within the Biosecurity*

*(Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.*

*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.*

16. 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:

1. Virgin excavated natural material (as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act);
2. 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 Certifier or Council on request.

- [GENNS02]
17. Vegetation removal is limited to the development envelope outlined by the hard red line as shown on Dwg. No. A001 Master Plan Rev. A dated 1/11/2022 prepared by BKA Architecture excluding the Landscape Area and Vegetation Protection Area (established under DA19/0875) as shown on the aforementioned plan unless otherwise approved by Council's General Manager or delegate.
18. A detailed plan of landscaping is to be submitted to Council and approved by Council's General Manager or delegate prior to issue of Stage 1 Construction Certificate. The detailed plan of landscaping shall be generally consistent with the site based Landscape Concept Design Revision E dated 16.09.2022 prepared by LARC Landscape Architecture and include the following additional provisions:
- (a) Landscape screening to the perimeter of the nominated vehicle impound area in the stamped approved plans. The screening shall comprise of species that reach a mature height capable of screening views of impounded vehicles from the public domain and significant viewsheds and;
  - (b) Demonstrate that species selection can meet the following plant selection criteria:
    - (i) A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees;
    - (ii) A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar) and;
    - (iii) No environmental weed species.

[GENNS03]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

19. 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 any Construction Certificate.

[PCC0055]

20. In accordance with the stamped approved Master Plan (Drawing A001), the developer shall provide 16 vehicle parking spaces (including 1 accessible space) in the "Visitor Parking" area and 12 vehicle parking spaces in the "Secure Parking" area, resulting in a total of 28 parking spaces (including one accessible space in the "Visitor Parking" area) in accordance with Traffic Impact Assessment Report prepared by Greg Alderson Associates referenced 22406-TIA-C dated 20-Dec- 2022.

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 Stage 1 Construction Certificate application for Building Works.

[PCC0065]

21. Section 7.11 Contributions

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

**Stage 1 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.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	83 trips @ \$1,836.77 per trip (\$1,317.00 base rate + \$519.77 indexation)	\$91,470.62
	(\$60981 has been subtracted from this total as this development is deemed an "Employment Generating Development") CP04 Road Contributions (9-Murwillumbah)	

**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.**

[PCC0215]

22. Prior to issue of a Construction Certificate for Stage 1, 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]

23. In accordance with Section 6.14 of the Environmental Planning and Assessment Act 1979 (as amended), any 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]

24. Prior to the issue of a Construction Certificate for Stage 1, an 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 works:
- (a) Vehicular access from Lundberg Drive for proposed Lot 31 and Proposed New Road for proposed Lot 23 (in accordance with the recommendations of the Traffic Impact Assessment Report prepared by Greg Alderson Associates referenced 22406-TIA-C dated 20-Dec-2022

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]

25. 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 any construction certificates.

[PCC0945]

26. Prior to the issue of any Construction Certificate, permanent stormwater quality treatment shall be provided in accordance with the following:
- The construction certificate application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.B2 of Council's Development Design Specification D7 - Stormwater Quality.
  - Permanent stormwater quality treatment shall comply with Council's Development Design Specification D7 - Stormwater Quality.
  - It is encouraged that Water Sensitive Urban Design principles such as bio-retention facilities in accordance with "Water By Design" guidelines (being a program of the South

East Queensland Healthy Waterways Partnership) are utilised, instead of installing an “end of line” proprietary Gross Pollutant Device.

- Specific requirements to be detailed within the construction certificate application include:
  - o Shake down area shall be installed within the property, immediately prior to any construction vehicles entering or exiting the site, prior to any works being undertaken.
  - o Where possible, runoff from all hardstand areas, (including 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, with treatment provisions designed in accordance with Council’s Development Design Specification D7 - Stormwater Quality, Section D7.12. Engineering details of proposed treatment measures, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval before the issue of a construction certificate.
- Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.
- Bioretention basins/swales/rain gardens shall be designed in accordance with Water by Design’s Waterwise Street Trees and Bioretention Technical Design Guidelines.
- Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application
- The section 68 Stormwater Drainage Works Application shall include a maintenance plan for any vegetated stormwater treatment devices

[PCC1105]

27. Prior to the issue of any Construction Certificate, a Section 68 application shall be submitted together with any prescribed fees (including inspection fees) and approved by Council for works that involve any of the following:

- § Any water, sewerage, on site sewerage management system, or stormwater drainage works;
- § Installation of stormwater treatment and quality control devices;
- § Erosion and sediment control works; and

Any works that is likely to disturb or impact upon water, sewer or drainage infrastructure (e.g., extending, relocating or lowering of pipeline)

[PCC1145]

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

- (a) Any 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]

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

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

[PCC1165]

30. 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 Councils General Manager or delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

31. 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 the Acoustic Report prepared by Acoustic Works, dated 21 August 2023 reference 2021272 R01K Tweed Animal Shelter, Lundberg Drive, South Murwillumbah ENV.docx, with reference to relevant documentation. To this extent, it is expected that the recommendations not limited to but including those included in Section 8.1 of the Acoustic Report in relation to kennel construction shall be marked on the plans to accompany the Construction Certificate and suitably demonstrate that provision for highly attenuated kennels has been accommodated in the Construction design detail. The assessment and report on the Construction drawings is to be undertaken 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 any Construction Certificates being issued.

[PCCNS01]

32. Prior to the issue of Stage 1 Construction Certificate, a design verification statement for stage 1 of the development shall be prepared by suitably qualified consultant. The verification statement shall confirm that compliance has been achieved with the following codes:

- NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments.

The design verification statement shall be submitted to the satisfaction of Councils General Manager or delegate prior to the issue of Stage 1 Construction Certificate.

33. Prior to the issue of Stage 2 Construction Certificate, a design verification statement for stage 1 of the development shall be prepared by a suitably qualified consultant. The verification statement shall confirm that compliance has been achieved with the following codes:

- NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments.

The design verification statement shall be submitted to the satisfaction of Councils General Manager or delegate prior to the issue of Stage 2 Construction Certificate.



34. Prior to the issue of Stage 1 Construction Certificate, the proposed gate nominated on the stamped approved plan (A400) is to be relocated behind the existing vegetation generally in accordance with the amendments in blue by Council. The new gate location shall be situated to ensure that the minimum distance inside the property boundary can accommodate a tow truck to park at the entry of the gate without impacting on passing traffic.

[PCCNS02]

35. Prior to the issue of Stage 1 Construction Certificate, Engineering Detail is to be provided to demonstrate that the proposed accessways to proposed Lot 23 and proposed Lot 31 can be constructed in accordance with the sightline requirements as detailed in the Traffic Impact Assessment Report prepared by Greg Alderson Associates referenced 22406-TIA-C dated 20 Dec 2022.
36. Prior to issue of Stage 1 Construction Certificate, a detailed plan of landscaping is to be submitted to Council and approved by Council's General Manager or delegate. The detailed plan of landscaping shall be generally consistent with the site based Landscape Concept Design Revision E dated 16.09.2022 prepared by LARC Landscape Architecture and include the following additional provisions:
- (a) Landscape screening to the perimeter of the nominated vehicle impound area in the stamped approved plans. The screening shall comprise of species that reach a mature height capable of screening views of impounded vehicles from the public domain and significant viewsheds and;
  - (b) Demonstrate that species selection can meet the following plant selection criteria:
    - (i) A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees;
    - (ii) A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar) and;
    - (iii) No environmental weed species.

[PCCNS03]

## **PRIOR TO COMMENCEMENT OF WORK**

37. 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]

38. 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 license 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]

39. 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]

40. 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]

41. **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]

42. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be

investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

43. 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 entire project.

[PCW0985]

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

[PCW1005]

45. 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]

46. Prior to the commencement of any work associated with any stage of the development, documentary evidence shall be provided to Council to confirm the registration of the subdivision of Lots 23 and 31 with NSW Land Registry Services (formerly Lands and Property Information - LPI).

47. The operators of the Murwillumbah Airfield shall be notified in writing of any boom, crane, or similar equipment that extends beyond the top RL of the roof line of the approved buildings and may be utilised during the construction phase of the development.

[PCWNS01]

48. Landscaping of the site shall be carried out in accordance with the approved detailed Plan of Landscaping.

[DUR1045]

## **DURING CONSTRUCTION**

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

[DUR0005]

50. 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]

51. 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:

- (a) Monday to Friday from 7.00am to 6.00pm
- (b) Saturday from 8.00am to 1.00pm
- (c) No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

[DUR0205]

52. The development shall be carried out in accordance with current NSW Environment Protection Authority construction noise guidelines. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment during demolition and construction works.

[DUR0215]

53. The wall and roof cladding of all buildings and structures are to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed development.

[DUR0245]

54. 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]

55. 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]

56. 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]

57. 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]

58. Any cut or fill on the property is to be battered at a ratio not greater than 1:2 (v:h) within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications,

Development Control Plan Part A1 to the satisfaction of the Principal Certifier.

Please note timber retaining walls are not permitted.

[DUR0835]

59. 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]

60. 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 any Occupation Certificate.

[DUR0995]

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

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

[DUR1005]

62. All works shall be carried out in accordance with the Acid Sulfate Soil Management Plan for Minor Works signed by Tweed Shire Council c/o BKA Architecture, dated 6 October 2022 or to the satisfaction of Council's General Manager or delegate.

[DUR1065]

63. Fire hydrants must be installed in accordance with the provisions of Part E1.3 of the Building Code of Australia and the installation must comply with Australian Standard AS2419.1 except where superseded by the provisions of the Building Code of Australia.

However, they shall not be installed until the Principal Certifier has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.

[DUR1265]

64. 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 and the provision of Sanitary Facilities in accordance with the provisions of Part F-2 of the Building Code of Australia.

[DUR1685]

65. 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]

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

[DUR1945]

67. 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]
68. All construction 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]
69. 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]
70. During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all permanent Stormwater Quality Control Devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.
- [DUR2445]
71. 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]
72. 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]
73. 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]
74. 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]
75. 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]

76. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. 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.

The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[DUR2595]

77. 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]

78. Works in the vicinity of public infrastructure must comply with the following requirements;
- a) Any fencing erected across the 100mm water connection shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of water connection.
  - b) 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.
  - c) 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.

79. All remediation and validation works are to be carried out in accordance with the Remedial Action Plan - Animal rehoming and Ancillary Infrastructure prepared by JBS&G dated 23 August 2023 (Report No: 65366/154129 (Rev0)), NSW Environment Protection Authority (EPA) 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.

[DURNS01]

80. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Works, dated 21 August 2023 reference 2021272 R01K Tweed Animal Shelter, Lundberg Drive, South Murwillumbah ENV.docx, must be implemented in the development or to the satisfaction of Council's General Manager or delegate.

[DURNS02]

81. The Landscape Area and Vegetation Protection Area (established under DA19/0875) shown on Dwg. No. A001 Master Plan Rev. A dated 1/11/2022 prepared by BKA Architecture shall be retained and afforded adequate protection during the construction phase generally in accordance with Australian Standard AS4970:2009 Protection of trees on development sites.

[DURNS05]

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

82. 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]

83. A Partial or Whole Occupation Certificate is to be obtained prior to the Occupation or the commencement of the use of the building.

Within 5 years from the date of issue of any Partial Occupation Certificate for part of a building an Occupation Certificate for the "Whole Building" must be applied for and obtained from the nominated Principal Certifying Authority.

[POC0355]

84. Prior to the issue of the Stage 1 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]

85. 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]

86. Prior to the issue of an Occupation Certificate for Stage 1, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices.

[POC0985]

87. 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]

88. Prior to the issue of any Occupation Certificate, all landscaping shall be completed in accordance with the approved detailed plan of landscaping as it relates to each stage of the development to the satisfaction of Council's General Manager or delegate. Landscaping must be maintained to maintain compliance with recommended sight distances and bushfire protection.

89. Prior to the issue of the Stage 1 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) Rights Of Carriageway over the access driveway on Proposed Lot 31, benefitting proposed Lot 23 providing suitable access to the internal "secure" car park.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the Right Of Carriageway shall make provision for maintenance of the Right Of Carriageway 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.

90. Prior to the issue of Stage 1 Occupation Certificate, a Flood Response Assessment Plan ('FRAP') is to be prepared for the development. The FRAP is to outline how animals and staff are catered for in a flood event. i.e. sufficient supply of food, medical supplies, staffing arrangements etc.

[POCNS01]

91. Prior to the issue of Stage 1 Occupation Certificate, a final Long Term Environmental Management Plan (LTEMP) must be completed and submitted for approval by Council's General Manager or delegate. The final LTEMP shall be prepared in accordance with any relevant requirements of the Preliminary LTEMP prepared by JBS&G dated 23 August 2023 reference 65336 154144\_Rev0 and Remedial Action Plan, reference 65366/154129 (Rev0), NSW EPA Practice Note "Preparing environmental management plans for contaminated land" and contaminated land guidelines. The EMP must be completed by a suitably qualified and experienced consultant.
92. Prior to the issue of any Occupation Certificate, the applicant is to engage the services of a suitably qualified consultant to undertake monitoring and prepare a report in accordance with the Preliminary LTEMP prepared by JBS&G dated 23 August 2023. The report must be submitted for review and approval by Council's General Manager or delegate.
93. Prior to the issue of Stage 1 Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to Council's General Manager or delegate and the Principal Certifying Authority. This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants, or for any works subsequently required by the NSW Environment Protection Authority or Council's General Manager or delegate. A copy of the revised certificate of land title recording the covenant must be submitted to Council and the Principal Certifying Authority prior to the issue of the Occupation Certificate.
94. Prior to the issue of Stage 1 Occupation Certificate, a Suitably Qualified Acoustic Consultant is to provide a written Acoustic Verification Report to the satisfaction of the General Manager or delegate that the development complies with the requirements set out in the Acoustic Report prepared by Acoustic Works, dated 21 August 2023 reference 2021272 R01K Tweed Animal Shelter, Lundberg Drive, South Murwillumbah ENV.docx. The applicant shall carry out any such recommendations as provided within the Acoustic Verification Report to the satisfaction of Council's General Manager or delegate. This implementation shall be completed within 30 days from the date of the Validation Report, or by the date specified by Council's General Manager or delegate.

[POCNS02]

95. Prior to the issue of Stage 1 Occupation Certificate, a Biosecurity Risk Management Plan is to be developed in consultation with a veterinarian. The plan is to be prepared having

regard to *Biosecurity Risk Management in Land Use Planning and Development Guide* published by NSW Department of Primary Industry. Relevant operational measures in the plan are to be replicated in the Final Operation Plan associated with the development.

[POCNS04]

96. Prior to the issue of any Occupation Certificate, a Final Operational Plan of Management must be submitted to the satisfaction of Council's General Manager or delegate.

The Operational Plan of Management must include any recommendations outlined in:

- a. The Acoustic Report prepared by Acoustic Works, dated 21 August 2023 reference 2021272 R01K Tweed Animal Shelter, Lundberg Drive, South Murwillumbah ENV.docx;
- b. The Animal Behavioural Assessment (dated 16 August 2023) prepared by Pets Behaving Badly;
- c. NSW DPI Advice to Council dated 28 April 2023;
- d. The Waste Management Plan prepared by Barker Ryan Stewart referenced 210837 dated 19/07/2023 and;
- e. The Flood Response Assessment Plan (FRAP) as it relates to operational requirements.

The Plan is to be validated in writing by an appropriately qualified Acoustic consultant and Animal Behavioralist prior to the submission of the plan to Council's General Manager or delegate. The plan must be prepared to the satisfaction of Council's General Manager or delegate.

[POCNS05]

## USE

97. 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]

98. Hours of operation of the approved development are restricted to the following hours unless otherwise approved by Council's General Manager or delegate:

\* 6am – 6pm - Mondays to Sunday

Out of Hours staff (including but not limited to animal emergency medical staff) and/or Rangers requiring access to the facility and use can occur outside of the above operating hours in order to facilitate the day to day regulatory and compliance functions of the Council.

[USE0185]

99. All externally mounted artificial lighting, including security lighting, shall comply with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting and be shielded to the satisfaction of Council's General Manager or delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighboring or adjacent premises. External mounted lighting must not spill beyond the boundaries of the site.

[USE0225]

100. The servicing of waste storage facilities shall be limited to be within hours consistent with the surrounding residential properties (as detailed in the Acoustic Report prepared by Acoustic Works referenced 2021272 R01K Tweed Animal Shelter, Lundberg Drive, South Murwillumbah ENV.docx dated 21 August 2023) unless otherwise approved by Council's General Manager or delegate.

- [USE0285]
101. All wastes shall be collected, stored and disposed of in accordance with the Waste Management Plan prepared by Barker Ryan Stewart referenced 210837 dated 19/07/2023 except where varied by NSW EPA and/or NSW-DPI Guidelines to the satisfaction of the Council's General Manager or delegate.
- [USE0875]
102. The premises shall be maintained in a clean and tidy manner.
- [USE0965]
103. All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW.
- [USE1035]
104. 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 delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.
- [USE1055]
105. 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]
106. The use of the premises must comply with the Final Operational Management Plan approved by Council's General Manager or delegate. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.
107. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
108. All landscaping is to be maintained at all times.
- [USENS01]
109. The landowner must comply with the ongoing obligations of the approved Long Term Environmental Management Plan (LTEMP) in relation to any residual contamination remaining onsite.
110. Animal carcass disposal is to be undertaken in accordance with relevant legislative requirements and guidelines that apply at the time. At the time of granting this consent, the current guideline is NSW DPI Animal Carcass Disposal PrimeFact.
- [USENS02]
111. Composting of animal manure on proposed Lot 31 shall comply with relevant legislative requirement and guidelines that apply at the time. At the time of granting this consent, the current guideline is NSW EPA Guidelines (*Environmental Guidelines: Composting and related organics processing facilities*).
- [USENS03]

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

### **Asset Protection Zones**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

1. From the commencement of building works and in perpetuity, with the exception of any landscaping works required under Council's Development Consent DA19/0875, the entire property of approved lot 23 shall be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:
  - a) tree canopy cover should be less than 15% at maturity;
  - b) trees at maturity should not touch or overhang the building;
  - c) lower limbs should be removed up to a height of 2m above the ground;
  - d) tree canopies should be separated by 2 to 5m; and
  - e) preference should be given to smooth-barked and evergreen trees.
  - f) create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
  - g) shrubs should not be located under trees;
  - h) shrubs should not form more than 10% ground cover; and
  - i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - j) grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
  - k) leaves and vegetation debris should be removed.
2. A minimum 10 metre wide inner protection area shall be maintained within approved lot 31 along the common boundary with approved lot 23. The inner protection area shall maintained in accordance with the requirements detailed in condition 1 above.

### **Construction Standards**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

3. Building A (Friends of the Pound) and Building B (Rangers Offices) within approved lot 23 shall 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). Building A (Fiends of the Pound) and Building B (Rangers Offices) shall also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

### **Water and Utility Services**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

4. New electricity and/or gas services to the development shall comply with Section 7.4 and Table 7.4a of Planning for Bush Fire Protection 2019. Landscaping Assessment Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.
5. With the exception of any landscaping works required under Council's Development Consent DA19/0875, landscaping within the required inner protection areas shall comply with Appendix 4 of Planning for Bush Fire Protection 2019.

### **Emergency Management**

***Intent of measures: to provide suitable emergency and evacuation arrangements.***

6. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.