

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	Approved plans and supporting documentation			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Plan number	Revision number	Plan title	Drawn by
	TP-01	T3	Site Plan - Proposed	Michael Carr Architect Pty Ltd
	TP-03	T5	Ground Floor Plan	Michael Carr Architect Pty Ltd
	TP-04	T3	Level 1 Plan	Michael Carr Architect Pty Ltd
	TP-05	T5	Roof Plan	Michael Carr Architect Pty Ltd
	TP-06	T1	Level 1 - Store Rack Plan	Michael Carr Architect Pty Ltd
	TP-07	T5	Elevations	Michael Carr Architect Pty Ltd
	TP-08	T3	Sections - Sheet 1	Michael Carr Architect Pty Ltd
	TP-11	T5	Fencing Details	Michael Carr Architect Pty Ltd
	Approved documents			
	Document title	Version number	Prepared by	Date of document

	Bushfire Hazard Assessment	1.2	BlackAsh Bushfire Consulting	1 May 2024
	Report on Detailed Site Investigation for Contamination	Revision 2	Douglas Partners Pty Ltd	23 April 2024
	Biodiversity Development Assessment Report		Cumberland Ecology	2 August 2024
	Environmental Noise Impact Report		Acoustic Dynamics Pty Ltd	13 December 2022
	Report on Additional Acid Sulfate Soils Investigation and Management Plan		Douglas and Partners Pty Ltd	September 2023
<p>In the event of any inconsistency with the approved plans, approved documents and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2	BCA compliance			
	The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.			
	Condition reason: To ensure that the applicant is aware that the development consent does not automatically comply with the provisions set by the Building Code of Australia.			
3	Building position			
	The proposed building is to be 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.			
	Condition reason: To ensure buildings are sited and positioned in the approved location.			
4	General D15 requirements to be reinforced			
	<p>Works in the vicinity of public infrastructure must comply with the following requirements:</p> <ul style="list-style-type: none"> No portion of any habitable structure may be erected within any easement for public infrastructure over the subject site. All structures shall be designed and sited 			

	<p>such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.</p> <ul style="list-style-type: none"> • Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking 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. • Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main. • 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 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.
	<p>Condition reason: To ensure Council's Development Design Specification D15 is complied with.</p>
5	<p>Non-Residential site discharging pollutants differing from domestic waste</p> <p>Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by Council's General Manager or delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted fees and charges.</p> <p>Condition reason: To regulate wastewater discharge into sewerage systems for non-residential sites discharging pollutants differing from domestic waste.</p>
6	<p>Protection of existing public infrastructure</p> <p>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.</p> <p>Condition reason: To ensure existing public utilities within or adjacent to the site are located, protected or adjusted accordingly.</p>
7	<p>Red Imported Fire Ants</p> <p>The importation of any of the following fire ant carrier material from invasive ant biosecurity zones must be in accordance with the current NSW Biosecurity orders available at www.dpi.nsw.gov.au and meet the requirements of NSW Department of Primary Industries:</p>

	<ul style="list-style-type: none"> • organic mulch, compost, growing media, manure, soil and anything with soil on it, hay, chaff, or silage; • potted plants; • turf; • agricultural equipment or earth-moving equipment; • mining and quarrying materials; • grass; • vegetation and clippings; or • other fire ant carrier material identified within the order. <p>Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with the relevant form and/or certificate as identified within the order. All material shall meet the requirements of the relevant form/certificate.</p> <p>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 order.</p> <p>Condition reason: To protect the amenity of the local area.</p>
8	<p>Referral agency comments/GTA conditions</p> <p>Refer to the attached comments/General Terms of Approval from the following agency/agencies:</p> <ul style="list-style-type: none"> • NSW Rural Fire Service (dated 2 July 2024) • Transport for NSW (dated 26 September 2023) <p>Condition reason: To ensure compliance with relevant agency requirements</p>
9	<p>Sewer Manholes on site not to be altered</p> <p>Sewer manholes are present on this site. Manholes are not to be covered with soil or other material.</p> <p>Should adjustments be required to the sewer manhole, a Section 68 Application must be submitted and approved by Council prior to commencement of any associated works.</p> <p>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 1993.</p> <p>Condition reason: To ensure that any sewer manholes located on the site are retained in their current state and the proposed works won't interfere with their intended use. If adjustments to the sewer manhole are required, then a Section 68 permit is required to be obtained.</p>
10	<p>Signage</p>

	<p>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.</p> <p>Condition reason: To ensure signage is designed to protect the amenity of the local area.</p>
11	<p>Waste Management (fill and spoil)</p> <p>All waste material removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • All excavated material removed from the site has been classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility. • All fill material imported to the site must be: <ul style="list-style-type: none"> ○ Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, and/or ○ A material identified as being subject to a resource recovery exemption by the NSW EPA. <p>All VENM 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.</p> <p>Condition reason: To ensure waste is not contaminated and is safe for future occupants.</p>
12	<p>Works in proximity to the Obstacle Limitation Surface for the Gold Coast Airport</p> <p>Given the location of the site in regards to Gold Coast Airport, the applicant (Bunnings) is to make an application to the airport for a blanket clearance of 32.0 meters for the duration of construction. Once approved, all operations under this height would be exempt from application. However, any operations above this if approved would still need application and approval from the airport on a case by case basis.</p> <p>Condition reason: To ensure compliance with relevant agency requirements</p>
13	<p>Unexpected Finds Protocol- Land Contamination</p> <p>The development shall be carried out in accordance with the provisions of the Unexpected Finds Protocol and Contingency Plan contained in the Report on Detailed Site Investigation for Contamination for Calardu Tweed Heads Pty Ltd (Bunnings Tweed Heads South), prepared by Douglas Partners Pty Ltd for Bunnings Tweed Heads South, dated 23 April 2024 (Ref: Project 201191.00/ ECM: Doc Set ID 8055716).</p> <p>Condition reason: To address recommendations from the Report on Detailed Site Investigation for Contamination for Calardu Tweed Heads Pty Ltd (Bunnings Tweed Heads South), prepared by Douglas Partners Pty Ltd for Bunnings Tweed Heads South, dated 23 April 2024 (Ref: Project 201191.00/ ECM: Doc Set ID 8055716) regarding Unexpected Finds Protocol.</p>

14	Development Design and Construction Specifications
	The development is to be carried out in accordance with Council's Development Design and Construction Specifications.
	Condition reason: To ensure the development meets the requirements set out in Council's Development Design and Construction Specifications.
15	Water supply
	The development must provide a water supply for firefighting via on-site storage tank and fire pump for the full fire flow as required by the NCC and NSW Rural Fire Services firefighting capacity requirements.
	Condition reason: To provide protection for emergency services personnel, residents and others assisting fire-fighting activities
16	Development works
	All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Transport for NSW or Council, and to Council's requirements.
	Condition reason: To advise that works are to be undertaken at no cost to Transport for NSW or Council.
17	Native vegetation clearing
	The applicant shall not remove, damage or disturb native vegetation unless such activity is carried out in accordance with conditions of this consent and the approved Vegetation and Fauna Management Plan.
	Condition reason: To ensure the development does not result in any clearing of native vegetation unless in accordance with conditions or approved Vegetation and Fauna Management Plan.
18	Native vegetation removal
	<p>The extent of native vegetation removal approved by this consent is limited to the following:</p> <ul style="list-style-type: none"> a. The entire area identified as 'Cleared' shown on Figure 12 titled Management Zones in Biodiversity Development Assessment Report Bunnings Tweed Heads South – 44 Enterprise Avenue dated 02 August 2024 prepared by Cumberland Ecology; and b. Selective vegetation removal within the area identified as 'Asset Protection Zone' shown on Figure 12 titled Management Zones in Biodiversity Development Assessment Report Bunnings Tweed Heads South – 44 Enterprise Avenue dated 02 August 2024 prepared by Cumberland Ecology to the minimum extent necessary to comply with the NSW Rural Fire Service Standards for Asset Protection Zones

	Condition reason: To ensure the development does not result in any additional clearing of native vegetation than approved.
19	<p>Protection of site values</p> <p>The following site values shall be retained and protected for the life of the development during all construction and operational phases:</p> <ul style="list-style-type: none"> a. All vegetation identified as ‘Native Vegetation’ identified on Figure 6 titled Native vegetation extent within the study area in Biodiversity Development Assessment Report Bunnings Tweed Heads South – 44 Enterprise Avenue dated 02 August 2024 prepared by Cumberland Ecology on Lot 2 beyond the area designated ‘Subject Land’ b. Select native vegetation remaining within the area identified as ‘Asset Protection Zone’ shown on Figure 12 titled Management Zones in Biodiversity Development Assessment Report Bunnings Tweed Heads South – 44 Enterprise Avenue dated 02 August 2024 prepared by Cumberland Ecology following establishment of asset protection zones pursuant to this consent c. All native vegetation and habitat on Lot 2 and Lot 3 within the area shown as ‘Restoration Area’ on Figure 11 titled Location of the Restoration Area in Koala Habitat Assessment and Habitat Restoration Plan Bunnings Tweed Heads South – 44 Enterprise Avenue dated 22 April 2024 prepared by Cumberland Ecology. <p>Condition reason: To retain and protect native vegetation for the life of the development.</p>

Building Work

Before issue of a construction certificate

21	<p>1% Compliance Bond</p> <p>Before the issue of a construction certificate, a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the sewer works as set out in Council’s fees and charges at the time of payment.</p> <p>The Bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of Council's General Manager or delegate.</p> <p>The Bond will be refunded, if not expended, when the final occupation certificate is issued.</p>
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	Condition reason: To ensure submission of applicable 1% Compliance Bond
22	<p>Detailed Landscaping Plan – Native species</p> <p>A Detailed Landscaping Plan shall be submitted to Council and approved by the Manager Development Assessment Unit or delegate prior to the issue of a Construction Certificate. The detailed plan of landscaping shall satisfy the following plant selection criteria:</p> <ul style="list-style-type: none"> a. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees. b. Trees must be a minimum of 1m in height when planted. Trees must be capable of providing sufficient shade to hardstand areas to minimise urban heat. b. 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). c. No environmental weed species <p>Landscaping must be compliant with the approved Koala Assessment and Habitat Restoration Plan and Bushfire Assessment Report.</p> <p>Landscaping must also have regard to required sight distances and Council's requirements when in proximity to water and sewer infrastructure.</p> <p>Local native species are to comprise appropriate species selected from the Tweed Shire Native Species Planting Guide available online at: <http://www.tweed.nsw.gov.au/environment/native-plants-wildlife/native-plants></p> <p>Condition reason: To ensure landscaping is compliant.</p>
23	<p>Detailed Stormwater Management Plan (SWMP) for Permanent Stormwater Treatment</p> <p>Permanent stormwater quality treatment shall be provided in accordance with the following:</p> <ul style="list-style-type: none"> • 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

	<p>South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an “end of line” proprietary Gross Pollutant Device.</p> <ul style="list-style-type: none"> • Specific requirements to be detailed within the construction certificate application include: <ul style="list-style-type: none"> ◦ 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. ◦ 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. • Stormwater management is to be provided as detailed in Stormwater Management Plan prepared by C & M Consulting dated February 2023.
	<p>Condition reason: To ensure applicable Stormwater Management Plan (SWMP) for stormwater quality treatment is submitted with Construction Certificate application.</p>
24	<p>Erosion and Sediment Control</p> <p>Erosion and Sediment Control shall be provided in accordance with the following:</p> <ul style="list-style-type: none"> • 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. • 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. <p>Condition reason: To ensure sediment and erosion control is adequately addressed as per Council’s standards prior to issue of the construction certificate.</p>
25	<p>Impact on Water Sewer Infrastructure – s68</p> <p>If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier (Council or a Registered Certifier) before the issue of a construction certificate or any works commencing, whichever occurs first.</p> <p>Applications for these works must be submitted on Council’s standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The</p>

	<p>arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.</p> <p>The Section 68 Application must be approved by Council prior to the associated construction certificate being issued.</p> <p>Condition reason: To ensure a s68 application is submitted if the development is likely to disturb or impact upon water or sewer infrastructure.</p>
26	<p>Long Service Levy Payments</p> <p>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). Long Service Levy payments should be paid directly through Service NSW, but Council is an authorised agent to accept payment directly. Where payment has been made elsewhere, proof of payment is to be provided.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
27	<p>Managing Noise With Acoustic Treatment (Design Compliance)</p> <p>The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Environmental Noise Impact Report for Bunnings Tweed Heads South, prepared by Acoustic Dynamics Pty Ltd dated 13 December 2022 (Doc Id 5844R001.LM.221129/ECM Doc Set ID 7837934) have been incorporated into the design. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of the Manager Building and Environmental Health or delegate prior to the Construction Certificate being issued.</p> <p>Condition reason: To ensure compliance with the approved acoustic report and protect amenity of occupants.</p>
28	<p>Managing noise with acoustic treatment (Report Compliance)</p> <p>Before the issue of any construction certificate, the applicant is to indicate their compliance with the provisions of the Environmental Noise Impact Assessment for Bunnings Tweed Heads South, prepared by Acoustic Dynamics Pty Ltd dated 13 December 2022 (Doc Id 5844R001.LM.221129/ECM Doc Set ID 7837934) and the maximum indoor design sound levels as prescribed in Table 3.3 of Australian Standard AS2021-2015 “Acoustics – Aircraft noise intrusion – Building siting and construction” and/or the design sound levels and reverberation times prescribed in Australian Standard AS/NZS 2107 “Acoustics - Recommended design sound levels and reverberation times for building interiors” by providing to the Certifier (Council or Registered Certifier) appropriate details on the building components and systems intended to be used in the construction of the building</p>

	<p>with the corresponding STC/RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding STC/RW ratings.</p> <p>Condition reason: To ensure compliance with the approved acoustic report and protect amenity of occupants.</p>
29	<p>Minimum grading of fill</p> <p>All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties.</p> <p>Catch drains shall be provided on the top side of all retaining walls in accordance with Council's Development Design Specification D6 – Site Regrading.</p> <p>All earthworks shall be contained wholly within the subject land.</p> <p>Condition reason: To ensure minimum grade of 1% is provided to all allotments, plus applicable drainage.</p>
30	<p>Peak stormwater discharge limited to 200 l/s/ha</p> <p>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 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to 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.</p> <p>All stormwater must initially be directed to the DCP. Details are to be submitted with the S68 stormwater application.</p> <p>Condition reason: To ensure that on site stormwater detention (OSD) is provided (as applicable), in accordance with the Upper Parramatta River Catchment Trust</p>
31	<p>s305, s306 & s307 Letter or Requirement/Certificate of Compliance</p> <p>A Section 306 Letter of Requirement under Sections 305, 306 and 307 of the Water Management Act 2000, for each stage of the development, 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.</p> <p>Condition reason: A Letter of Requirement OR Certificate of Compliance is required to capture developer contributions and/or s68 systems works that will be required for the proposed development prior to Construction Certificate issue.</p>
32	<p>S68 Application to be Lodged Prior to Issue of CC</p>

	<p>Before the issue of a 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:</p> <ul style="list-style-type: none"> • 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 <p>Any works that is likely to disturb or impact upon water, sewer or drainage infrastructure (e.g., extending, relocating or lowering of pipeline)</p> <p>Condition reason: To ensure regulatory approval is obtained for Water, sewerage, stormwater drainage, sediment and erosion control works.</p>
33	<p>Trade waste application required</p> <p>In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by Council's General Manager or delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.</p> <p>Condition reason: To ensure discharge of wastewater is approved under a Trade Waste Agreement.</p>
34	<p>Works in the Road Reserve</p> <p>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:</p> <ul style="list-style-type: none"> • Vehicular access from Enterprise Avenue • Intersection works at Greenway Drive/Enterprise Avenue and Greenway Drive/Traders Way • Intersection works at Enterprise Avenue/Traders Way • Landscaping featuring a minimum of 9 street trees in accordance with Council's Engineering specifications and standard drawings including drawing number SD701. <p>Street trees are to comply with Development Design Specification D14 Landscaping Public Spaces and in particular D14.08.3C Tree Planting and Location and D15 Works in Proximity.</p>

	<p>The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following:</p> <ul style="list-style-type: none"> • Road works/furnishings • Stormwater drainage • Water and sewerage works • Sediment and erosion control plans • Location of all services/conduits • Traffic Control Plan (as applicable) • Landscaping and streetscape works <p>Where Council is requested to issue a subdivision works certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the subdivision works certificate application, to enable one single approval to be issued. Separate approval under Section 138 of the Roads Act 1993 will then NOT be required.</p> <p>Condition reason: To ensure works within the road reserve comply with s138 of the Roads Act 1993, relevant Australia Standards and Council's Design Specifications.</p>
35	<p>Hazardous material survey before Construction Certificate</p> <p>A hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council before the issue of a Construction Certificate. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:</p> <ul style="list-style-type: none"> a) the location of all hazardous material throughout the site b) a description of the hazardous material c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials f) identification of the disposal sites to which the hazardous materials will be taken <p>Condition reason: To address recommendations from the Report on Detailed Site Investigation for Contamination for Calardu Tweed Heads Pty Ltd (Bunnings Tweed Heads South), prepared by Douglas Partners Pty Ltd for Bunnings Tweed Heads South, dated 23 April 2024 (Ref: Project 201191.00/ ECM: Doc Set ID 8055716) regarding undergoing hazardous material survey before constructions commences.</p>

36	Asbestos Removal Signage
	Before construction work commences, if the removal of asbestos is required, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition reason: To address regulatory requirement in case removal of asbestos is required from the site.
37	Off-street car parking provision
	<p>The developer shall provide 514 customer and staff parking spaces (including 11 accessible parking spaces and 8 car/trailer bays) in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.</p> <p>Provision for bicycle parking must also be provided.</p> <p>Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Certifier (Council or a Registered Certifier) with the Construction Certificate application.</p> <p>The off street car parks shall provide a finished surface compliant with Council's DCP A2 "Site Access and Parking Code" current version.</p> <p>Condition reason: To ensure compliance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.</p>
38	Boulder retaining wall certification
	<p>Prior to the issue of a Construction Certificate, the Proponent shall engage a Professional Engineer (Civil) with National Engineering Register (NER) or a NSW Registered Surveyor to design, supervise and ultimately certify all proposed works that may alter the existing boulder retaining wall on the Enterprise Avenue frontage, including (but not limited to) the construction of vehicle access crossovers from Enterprise Avenue.</p> <p>Documentary evidence is to be provided to Council demonstrating currency of the above accreditation.</p> <p>Condition reason: To ensure all proposed works to the existing boulder retaining wall on the Enterprise Avenue frontage are adequately certified.</p>
39	Signalised intersection design
	<p>Any signalised intersection design shall be in accordance with the relevant Transport for NSW (TfNSW) standards, in addition to Council's standards. Separate approval from TfNSW is required for these works.</p> <p>Condition reason: Ensure proponent is aware of Transport for NSW requirements.</p>

40	Submission of Traffic Control Plan
	A Traffic Control Plan in accordance with AS 1742 and the latest version of the Transport for NSW (TfNSW) publication "Traffic Control at Work Sites" shall be prepared by a TfNSW accredited person and shall be submitted to the Certifier (Council or a Registered Certifier) before the issue of the construction certificate. Safe public access shall be provided at all times.
	Condition reason: To ensure applicable Traffic Control plan is prepared and submitted for endorsement.
41	Intersection linemarking
	The linemarking at the intersection of Traders Way and Enterprise Avenue is to be improved to cater for the expected increased traffic and detail design is to be submitted to Council and approved under s138 of the Roads Act 1993.
	Condition reason: To ensure works within the road reserve comply with the Roads Act 1993
42	Koala Habitat Assessment and Habitat Restoration Plan
	<p>The Koala Habitat Assessment and Habitat Restoration Plan Bunnings Tweed Heads South – 44 Enterprise Avenue dated 22 April 2024 prepared by Cumberland Ecology shall be amended and approved by the Manager of Sustainability and Environment or delegate prior to issue of the first Construction Certificate or prior to commencement of any works, whichever occurs first. The final approved amended plan shall be referred to as the approved Koala Habitat Assessment and Habitat Restoration Plan for the purposes of this development consent. The amendments shall be made by a person suitably qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation communities to include the following:</p> <ul style="list-style-type: none"> a. Specify on-ground weed control works and maintenance must be undertaken by qualified bush regenerators holding TAFE Conservation & Land Management Certificate 3 (and supervisor holding CLM Certificate 4) or equivalent and with minimum three (3) years' experience. b. Specify supervising bush regenerators must hold an appropriate licence (issued under the Biodiversity Conservation Act 2016) to work in the habitat of threatened species and endangered ecological communities prior to commencing on-ground weed control and habitat restoration works. c. Include the installation of fauna friendly fencing around the entire perimeter of the conservation area where adjacent to bushfire asset protection zones to clearly demarcate the management zones.

	<p>d. The following key primary establishment phase habitat restoration works performance criteria to be achieved prior to issue of Occupation Certificate</p> <ul style="list-style-type: none"> i. Treatment of a minimum of 95% of environmental weeds ii. Environmental weed cover reduced to less than 20% in all strata iii. Achieve a minimum success rate of 90% survival rate of all installed plants and have a demonstrated increase in recruitment of endemic species iv. Removal of all rubbish and debris foreign to the habitat restoration area v. Installation of all fauna friendly fencing. <p>e. Clearly specify that the maintenance period is to extend for a minimum period of five (5) years following successful completion of the primary establishment phase.</p> <p>f. A long-term management component to include:</p> <ul style="list-style-type: none"> i. A schedule of activities not permitted within the Conservation Area to be registered on title under an 88B Restriction as to User referred to in this consent. ii. Set of performance criteria to be achieved annually post the five (5) year on-maintenance period. iii. A schedule of annual works to achieve post five (5) year on-maintenance period performance criteria. <p>Condition reason: Amendments required to this report to ensure that weed control, maintenance and long-term management are properly considered.</p>
43	<p>Vegetation and Fauna Management Plan</p> <p>A Vegetation and Fauna Management Plan (V&FMP) shall be submitted to Council and approved by the Manager of Sustainability and Environment Unit or delegate prior to the issue of the first Construction Certificate or prior to commencement of any works, whichever occurs first. The V&FMP shall be prepared by a suitably qualified ecologist and include (but not be limited to) the following:</p> <p>Vegetation Management</p> <ul style="list-style-type: none"> a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development in accordance with conditions of this consent.

	<p>b. Details of strategies and methods to be implemented to protect vegetation to be retained in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.</p> <p>c. Methods for the reuse and/or disposal of felled vegetation from the subject site.</p> <p>Fauna Management</p> <p>d. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc.) and description of fauna species known/likely to utilise habitat features.</p> <p>e. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed).</p> <p>f. Considerations relating to time periods for when fauna is to be removed/flushed prior to clearing.</p> <p>g. Details of special equipment required (such as cameras, elevated platforms etc.).</p> <p>h. Identification of general locations where wildlife would likely be relocated/translocated to if required (based on habitat requirements).</p> <p>i. Specify that a suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during any tree removal and/or disturbance to wildlife habitat. Where translocation is required, the proponent shall seek any relevant permits from the state regulating agency. It is the responsibility of the proponent to ensure all relevant licences have been obtained prior to any fauna interactions</p> <p>Condition reason: To ensure an appropriate Vegetation and Fauna Management Plan (V&FMP) is prepared and submitted to Council for endorsement.</p>
44	<p>Signage Plan</p> <p>Prior to the issue of a construction certificate, the applicant is to submit to Council a signage plan for approval by the Manager of Development Assessment Unit or delegate. The signage plan must include:</p> <ul style="list-style-type: none"> • Pylon sign on Lot 2 a maximum of 6m high and scaled accordingly • Pylon sign on Lot 2145 a maximum of 5m high and scaled accordingly • Removal of 3 wall signs from building elevations as indicated on approved plans <p>Condition reason: To ensure signage is consistent with the character of the area.</p>

45

Ecosystem credits that must be retired

Prior to issue of the first Construction Certificate or commencement of any works (including any vegetation clearing), whichever occurs first, the class and number of ecosystem credits in Table 1 below must be retired to offset the residual biodiversity impacts of the development.

Table 1 Ecosystem credits required to be retired – like for like

Impacted plant community type (PCT)	Number of ecosystem credits	IBRA subregion	Plant community type that can be used to offset the impacts from development
693-Blackbutt - Tallowood tall moist forest of the far north east of the NSW North Coast Bioregion	2	Sunshine Coast-Gold Coast Lowlands, Burringbar-Conondale Ranges, or any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	North Coast Wet Sclerophyll Forests. This includes PCT's: 487, 613, 661, 684, 686, 692, 693, 694, 695, 699, 747, 748, 752, 812, 826, 827, 1073, 1208, 1217, 1222, 1237, 1244, 1245, 1257, 1259, 1260, 1261, 1265, 1266, 1282, 1284, 1285, 1504, 1561, 1562, 1563, 1566, 1567, 1568, 1569, 1572, 1573, 1575, 1579, 1841, 1843, 1915
1230-Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern	4	Sunshine Coast-Gold Coast Lowlands, Burringbar-Conondale Ranges, or any IBRA subregion	Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North

Sydney Basin Bioregion		that is within 100 kilometers of the outer edge of the impacted site	Coast, Sydney Basin and South East Corner Bioregions. This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798
<p>The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).</p> <p>Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to issue of the first construction certification or commencement of any works (including any vegetation clearing) whichever occurs first.</p> <p>Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of species credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur</p>			

Before building work commences

46	Erosion and sediment controls in place
	<p>Before any site work commences, the principal certifier or Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
47	Appointment of principal contractor

	<p>Residential building work:</p> <ul style="list-style-type: none"> Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information: <ul style="list-style-type: none"> in the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> in the name and licence number of the principal contractor, and the name of the insurer by which the work is insured under Part 6 of that Act, in the case of work to be done by an owner-builder: <ul style="list-style-type: none"> the name of the owner-builder, and if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information. <p>Condition reason: To ensure compliance with legislative requirements.</p>
48	<p>Connect to sewer, plumbing and drainage</p> <p>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.</p> <p>Condition reason: To ensure compliance with AS3500</p>
49	<p>Existing infrastructure to be located prior to commencement of work</p> <p>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.</p> <p>Condition reason: To ensure existing underground infrastructure is located prior to any subdivision or building work is commenced.</p>
50	<p>"Notice of Commencement of Building Work and Appointment of Principal Certifier" forms to be submitted</p> <p>Prior to work commencing, a "Notice of Commencement of Building Work and Appointment of Principal Certifier" shall be submitted to Council at least 2 days prior to work commencing.</p>

	Condition reason: To ensure compliance with legislative requirements.
51	Roof water drainage 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. Condition reason: To ensure adequate stormwater management
52	Sign providing applicable contact details to be installed 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: <ul style="list-style-type: none"> • showing the name, address and telephone number of the Principal Certifier for the work, and • 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 • stating that unauthorised entry to the site is prohibited. Any such sign is to be maintained while the building work is being carried out but must be removed when the work has been completed. Condition reason: To ensure compliance with legislative requirements.
53	Temporary builders toilet 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: <ul style="list-style-type: none"> • a standard flushing toilet connected to a public sewer, or • if that is not practicable, an accredited sewage management facility approved by the council. Condition reason: To ensure adequate sanitary facilities are provided for construction workers.
54	Timing of Construction Certificate The erection of a building in accordance with a development consent must not be commenced until:

	<ul style="list-style-type: none"> • 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 • the person having the benefit of the development consent has: <ul style="list-style-type: none"> ◦ appointed a principal certifier for the building work, and ◦ notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and • the principal certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> ◦ notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and ◦ 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 • the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has: <ul style="list-style-type: none"> ◦ appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and ◦ notified the principal certifier of any such appointment, and ◦ 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.
	Condition reason: To ensure compliance with legislative requirements.
55	Voluntary Planning Agreement Prior to any works commencing pursuant to this consent, the Applicant must enter into a Voluntary Planning Agreement with Council in accordance with the Letter of Offer from the Applicant to Council dated 7 August 2020 and the draft Voluntary Planning Agreement which was the subject of Council's resolution on 3 February 2022. All obligations imposed by the Voluntary Planning Agreement must be complied with at all times in accordance with the terms of the Voluntary Planning Agreement, including payment of the agreed monetary contributions prior to the issue of an Occupation Certificate.
	Condition reason: To ensure the requirements of the Voluntary Planning Agreement are met.
56	Vegetation and Fauna Management Plan All pre-construction vegetation and fauna management measures shall be satisfactorily implemented in accordance with the approved Vegetation and Fauna Management Plan.
	Condition reason: To ensure protection measures are in place prior to construction works commencing.
57	Pre-Clearing Wildlife Fauna Report A suitably qualified project ecologist who holds a fauna survey licence shall inspect the site no more than two (2) weeks prior to clearing works commencing onsite and prepare a Pre-Clearing Wildlife Fauna Report. The report shall include a full list of faunal species

	encountered during the inspection, as well as the marking and identification of significant habitat trees. The Pre-Clearing Wildlife Fauna Report shall be provided to Council prior to commencement of any works on-site.
	Condition reason: To ensure additional fauna are not impacted by vegetation clearing.

During building work

58	Discovery of relics and Aboriginal objects
	<p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately; b. the following must be notified <ul style="list-style-type: none"> i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a. for a relic – the Heritage Council; or b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.
	Condition reason: To ensure the protection of objects of potential significance during works.
59	Hours of work
	<p>Site work must only be carried out between the following times –</p> <p>For construction and building works from 7.00 am to 6.00 pm on Monday to Friday</p> <p>For construction and building works from 8.00 am to 1.00 pm on Saturday</p> <p>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.</p>
	Condition reason: To protect the amenity of the surrounding area.
60	Acid Sulfate Soil Management Plan
	All works shall be carried out in accordance with the Report on Additional Acid Sulfate Soils Investigation and Management Plan prepared by Douglas and Partners Pty Ltd, dated

	<p>September 2023 (Ref: Project 201191.01/ECM Doc Set ID 7850816) or to the satisfaction of Council's General Manager or delegate.</p> <p>Condition reason: To protect the local environment.</p>
61	<p>Application for new sewer junction</p> <p>The Applicant shall submit and obtain approval for a sewer junction for existing Lot 2 DP 1077990, from the existing sewer main located within the subject site. The connection may be undertaken by Tweed Shire Council or Private Civil Contractor, with all applicable costs and application fees paid by the Applicant.</p> <p>Condition reason: Application for a new sewer junction for the proposed development.</p>
62	<p>Application for new water meter and/or service</p> <p>The Applicant shall submit and obtain approval for a property service and/or water meter for existing Lot 2 DP 1077990, from the existing water main in Enterprise Avenue. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the applicant.</p> <p>Condition reason: Application for a new water meter and/or service for the proposed development.</p>
63	<p>Approval for Dewatering</p> <p>The site shall not be dewatered unless written approval to carry out dewatering operations is received from the Manager Environmental Health Unit or delegate.</p> <p>Condition reason: To protect the amenity of the local area.</p>
64	<p>Backflow</p> <p>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.</p> <p>Condition reason: To ensure compliance with AS3500.</p>
65	<p>BCA compliance</p> <p>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).</p> <p>Condition reason: To ensure BCA compliance</p>
66	<p>Critical stage inspection</p>

	<p>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.</p> <p>Condition reason: To ensure sufficient time to carry out inspections</p>
67	<p>Environment Protection Measures</p> <p>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.</p> <p>Condition reason: To protect the local environment.</p>
68	<p>Existing concrete footpath</p> <p>The existing concrete footpath is to be saw cut, removed and dowelled to facilitate the construction of the new concrete driveway access.</p> <p>Condition reason: To ensure existing footpath is managed appropriately.</p>
69	<p>Food premises construction – floors</p> <p>All flooring materials in the food preparation and storage areas are to be impervious, non-slip, non-abrasive and capable of withstanding heavy-duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.</p> <p>Condition reason: To ensure compliance with relevant standards.</p>
70	<p>Food premises construction – hand wash facilities</p> <p>Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of Council’s General Manager or delegate.</p> <p>Condition reason: To ensure compliance with relevant standards.</p>
71	<p>Food premises construction – walls</p> <p>Walls in food preparation and storage areas shall be of solid construction. If stud wall construction is used, the wall shall be lined with a high impact resistant material eg. Villaboard or Versilux or other suitable material approved by Council’s Environmental Health Officer and tiled (or other suitable material) to a height of at least two (2) metres above the floor.</p> <p>Condition reason: To ensure compliance with relevant standards.</p>
72	<p>Food premises construction – windows and doors</p> <p>Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.</p>

	Condition reason: To ensure compliance with relevant standards.
73	Food Premises Fitout Plan <p>The development shall be constructed in accordance with the approved food fitout plans or to the satisfaction of Council's General Manager or delegate. During construction and fitout of the kitchen/food premises, periodic inspections may be arranged with Council's Environmental Health Officer to ensure compliance with the approved food fitout plans, health related conditions of approval, and respective legislation.</p> Condition reason: To ensure compliance with relevant standards.
74	Hazardous Waste <p>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 Environment Protection Authority (EPA).</p> Condition reason: To ensure proper handling of waste.
75	Inspection of s68h2 permanent Stormwater Quality Control Device <p>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.</p> Condition reason: To advise builder the permanent quality control device will require inspection prior to back filling.
76	Keeping Surrounding Road Carriageways are to be Kept Clean <p>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 deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.</p> Condition reason: To ensure surrounding road carriageways are to be kept clean
77	Managing Noise – Mechanical Equipment <p>Mechanical equipment, air conditioning units, heat pump water systems, and the like shall be located, installed, and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the Protection of the Environment Operations Act 1997.</p> Condition reason: To protect the amenity of the local area.
78	Managing noise with acoustic treatment (Mechanical Ventilation) <p>If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Environmental Noise Impact Assessment for Bunnings</p>

	<p>Tweed Heads South, prepared by Acoustic Dynamics Pty Ltd dated 13 December 2022 (Doc Id 5844R001.LM.221129/ECM Doc Set ID 7837934) and meet the maximum indoor design sound levels as prescribed in Table 3.3 of Australian Standard AS2021:2015 “Acoustics – Aircraft noise intrusion – Building siting and construction” and/or the design sound levels and reverberation times prescribed in Australian Standard AS/NZS 2107:2016 “Acoustics - Recommended design sound levels and reverberation times for building interiors”, then a system of mechanical ventilation complying with the relevant provisions of the NCC 2019 Volume 1 (Amendment 1) shall be installed to service all habitable areas of the building.</p> <p>Condition reason: To ensure structures are constructed in accordance with Australian Standards and approved reports.</p>
79	<p>Managing noise with acoustic treatment (Report Compliance)</p> <p>The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Assessment for Bunnings Tweed Heads South, prepared by Acoustic Dynamics Pty Ltd dated 13 December 2022 (Doc Id 5844R001.LM.221129/ECM Doc Set ID 7837934) and meet the maximum indoor design sound levels as prescribed in Table 3.3 of Australian Standard AS2021:2015 “Acoustics – Aircraft noise intrusion – Building siting and construction” and/or the design sound levels and reverberation times prescribed in Australian Standard AS/NZS 2107: 2026 “Acoustics – Recommended design sound levels and reverberation times for building interiors” or to the satisfaction of Council's General Manager or delegate.</p> <p>Condition reason: To ensure structures are constructed in accordance with the relevant Australian Standards and approved reports.</p>
80	<p>Managing noise with acoustic treatment (Standard Compliance)</p> <p>The development shall meet the building construction requirements of Australian Standard AS2021:2015 “Acoustics – Aircraft noise intrusion – Building siting and construction” and/or the design sound levels and reverberation times prescribed in Australian Standard AS/NZS 2107:2016 “Acoustics - Recommended design sound levels and reverberation times for building interiors”.</p> <p>Condition reason: To ensure structures are constructed in accordance with Australian Standards.</p>
81	<p>Noise and vibration requirements</p> <p>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.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
82	<p>Obstruction of pedestrian or traffic movement</p>

	<p>If the work involved in the erection or demolition of a building:</p> <p>(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or</p> <p>(b) building involves the enclosure of a public place,</p> <p>a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.</p> <p>Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.</p> <p>Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate.</p> <p>Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.</p> <p>Condition reason: To ensure public safety</p>
83	<p>Overflow relief gully</p> <p>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.</p> <p>Condition reason: To ensure compliance with AS/NZS 3500.</p>
84	<p>Plumbing and Drainage</p> <p>Council is to be given 24 hours' notice for any of the following inspections prior to the next stage of construction:</p> <ul style="list-style-type: none"> • internal drainage, prior to slab preparation; • water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting; • external drainage prior to backfilling. <p>completion of work and prior to occupation of the building.</p> <p>Condition reason: To give sufficient notice of inspection.</p>
85	<p>Plumbing and Drainage Permit</p> <ul style="list-style-type: none"> • A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

	<ul style="list-style-type: none"> 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.
	Condition reason: To ensure compliance with AS/NZS 3500
86	Regulated Systems – Legionella Control
	Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the Public Health Act 2010 shall be installed in accordance with the requirements of Part 2 – Legionella Control of the Public Health Regulation 2022.
	Condition reason: To ensure regulated systems are managed appropriately to protect health and safety.
87	Removal of existing concrete structures
	Where existing kerb or footpath is to be removed for driveway laybacks, stormwater connections, kerb ramps or any other reason, the kerb or footpath must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
	Condition reason: To advise that existing footpath or kerb is to be sawcut.
88	Removal of waste material
	The builder must provide an adequate 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.
	Condition reason: To ensure proper handling of waste.
89	Removing Material From Site
	No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of the Manager Environmental Health Unit or delegate.
	Condition reason: To ensure material remains on site unless approval is given
90	Site access
	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.
	Condition reason: To protect the public.
91	Site Compaction
	The use of vibratory compaction equipment including high impact methods (other than handheld devices) within 100m of any existing dwelling house, building or structure is strictly prohibited.

	Condition reason: To protect the amenity of the local area.
92	Site Management 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: <ul style="list-style-type: none"> Noise, water or air pollution. Dust during filling operations and also from construction vehicles. Material removed from the site by wind.
	Condition reason: To protect the amenity of the local area.
93	Storage and Disposal of Waste Appropriate arrangements to the satisfaction of Council's General Manager or delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded, and drained garbage storage area shall be provided within the boundary.
	Condition reason: To ensure proper handling of waste.
94	Storage of building material Building materials used in the construction of the development are not to be deposited or stored on Council's footpath or road reserve unless prior approval is obtained from Council.
	Condition reason: To ensure safety within public place
95	Waste Management (Burning) The burning off of trees and associated vegetation felled by clearing operations or builders' waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Council's General Manager or delegate.
	Condition reason: To protect the amenity of the local area.
96	Waste management (Development Control Plan) All waste shall be collected, stored, and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management.
	Condition reason: To ensure proper handling of waste.
97	Works to be carried out in accordance with applicable approvals

	<p>All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, plans, drawings and specifications.</p> <p>Condition reason: To ensure compliance with development consent</p>
98	<p>Vegetation and Fauna Management Plan</p> <p>All vegetation and fauna management measures shall be satisfactorily implemented in accordance with the approved Vegetation and Fauna Management Plan to the satisfaction of Council's General Manager or delegate during the construction phase of the development.</p> <p>Condition reason: To ensure protection of vegetation and fauna during construction.</p>
99	<p>Tree and/or fauna habitat removal works</p> <p>A suitably qualified project ecologist must be engaged to supervise any tree and/or fauna habitat removal works onsite for each stage of the development in accordance with the approved Vegetation and Fauna Management Plan. Immediately following completion of tree clearing activity and/or habitat removal the project ecologist shall provide a final report to Council specifying the following:</p> <ul style="list-style-type: none"> a. Brief summary of any fauna handling, mortality or other relevant fauna related incidents that may have occurred during tree removal; b. Inventory of fauna species encountered during tree removal; and c. If relocation was required, list of species and relocation location. <p>Condition reason: To keep a record of fauna impacted by the development.</p>
100	<p>Vegetation and fauna management directions</p> <p>All reasonable directions given by the project ecologist and/or Council's General Manager, the Manager Sustainability and Environment Unit or delegate with respect to vegetation and fauna management must be complied with during the construction phase of the development.</p> <p>Condition reason: To protect vegetation and fauna.</p>
101	<p>Flood compatibility of signage</p> <p>In respect of the pylon sign on Lot 2145 DP 879149, all electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.</p> <p>Condition reason: To ensure applicable flood compatibility is provided to proposed structures.</p>

102	Approved Landscaping Plans
	Landscaping of the site shall be carried out in accordance with the approved Landscape Plans.
	Condition reason: To ensure landscaping as proposed is undertaken which can be related to environmental or amenity impacts or bushfire hazard reduction.
103	Perimeter security fencing
	Access gates are to be provided within the perimeter security fence to ensure the proponent (Bunnings) is able to access the asset protection zone for maintenance, as required by conditions of consent.
	Condition reason: To ensure access to asset protection zone for maintenance.

Before issue of an occupation certificate

104	Commencement of Occupation or Use
	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).
	Condition reason: To ensure the development is completed and complies with the development Consent
105	Fire Safety Certificate
	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.
	Condition reason: To ensure compliance with the BCA
106	Food Premises – Fit Out Inspection
	Prior to commencement of operations and on completion of fitout an inspection is to be arranged with Council's Environmental Health Officer for final approval.
	Condition reason: To ensure compliance with relevant standards.
107	Food Premises – Notification
	The proprietor of the food premises shall provide appropriate notification to Council prior to the commencement of operations by submitting Council's Application for Food

	<p>Premises Registration/Change of Details form available at www.tweed.nsw.gov.au or by calling 02 6670 2400.</p> <p>Condition reason: To ensure compliance with relevant standards.</p>
108	<p>Food Premises – Pest Control</p> <p>The premises shall be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.</p> <p>Condition reason: To ensure compliance with relevant standards.</p>
109	<p>Landscaping</p> <p>All landscaping works shall be completed to the satisfaction of Council's General Manager or delegate in accordance with the approved Detailed Landscape Plan prior to the issue of an Occupation Certificate for the building.</p> <p>All trees are to have a minimum of 1m height.</p> <p>Condition reason: To ensure amenity and landscaping outcomes are achieved.</p>
110	<p>Partial / Whole Occupation Certificate Timing</p> <p>A Partial or Whole Occupation Certificate is to be obtained prior to the Occupation or the commencement of the use of the building.</p> <p>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.</p> <p>Condition reason: To ensure an occupation certificate is obtained within a reasonable time frame</p>
111	<p>Reinstatement of Road Pavement, Kerb and Gutter and Footpaths</p> <p>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.</p> <p>Condition reason: To ensure the development is compliant with Council guidelines</p>
112	<p>S138 Satisfactory Inspection Report</p> <p>Before the issue of an Occupation Certificate, the applicant shall produce a copy of the “Satisfactory Inspection Report” issued by Council for all works required under Section 138 of the Roads Act 1993.</p>

	Condition reason: To ensure the development is carried out within the road reserve as proposed and compliant with Council guidelines.
113	<p>s305, s306 & s307 Certificate of Compliance</p> <p>A Certificate of Compliance under Sections 305, 306 and 307 of the Water Management Act 2000, for each stage of the development, 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.</p> <p>Condition reason: A Certificate of Compliance is required to capture developer contributions and/or s68 systems works that will be required for the proposed development prior to Occupation Certificate issue.</p>
114	<p>Works to be Completed in Accordance With Approved Management Plans</p> <p>Before the issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.</p> <p>Condition reason: To ensure the approved development is clearly documented and proceeds in accordance with a set of approved plans which outlined the development, impact mitigation, compliance and desired outcomes.</p>
115	<p>All Conditions To Be Met</p> <p>Prior to the issue of a Whole Occupation Certificate, all conditions of consent are to be met.</p> <p>Condition reason: To ensure the development complies with the consent</p>
116	<p>Any damage caused to public infrastructure to be rectified prior to issue of any Certificate</p> <p>Prior to issue of any Occupation Certificate, any damage caused to public infrastructure (e.g. roads, footpaths, water and sewer mains, power and telephone services etc.) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications.</p> <p>Condition reason: Prior to the issue of any Occupation Certificate, any damage caused to public infrastructure is to be repaired by the applicant.</p>
117	<p>Creation of applicable 88B Instrument – maintenance of stormwater management system</p> <p>The creation of a Positive Covenant and Restrictions As To User as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:</p>

	<ul style="list-style-type: none"> • The creation of a Positive Covenant and associated Restriction on Title relevant to the proposed stormwater on site detention and stormwater quality treatment system. • Positive Covent over the subject land for the perpetual maintenance requirements associated with the on site detention and stormwater quality treatment system. A detailed site-specific Maintenance Schedule is to be produced by the designer and must form part of the Positive Covenant. • A Restriction As To User to ensure the stormwater on site detention and stormwater quality treatment system is not altered or prevented from operating in a safe and efficient manner. • The creation of a Positive Covenant relevant to all water quality control features on the site, to ensure a perpetual maintenance regium is implemented. All such features are to have a maintenance schedule prepared by the installer/manufacture and included in the Positive Covent.
	<p>Condition reason: To ensure stormwater management systems are adequately maintained in perpetuity with a site specific stormwater maintenance schedule.</p>
118	<p>Final inspection report – plumbing and drainage</p>
	<p>Before issue of an Occupation Certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.</p>
	<p>Condition reason: To ensure compliance with AS3500</p>
119	<p>Hot Water Installations</p>
	<p>Hot Water Installations</p> <p>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:-</p> <ul style="list-style-type: none"> • 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. <p>A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.</p>
	<p>Condition reason: To ensure the hot water is at a suitable temperature.</p>
120	<p>Noise and Vibration – Post Construction</p>
	<p>Prior to an Occupation Certificate being issued, a Post Construction Noise Impact Compliance Assessment report prepared by a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by the Manager Environmental Health Unit or delegate.</p> <p>The assessment report shall consider the Environmental Noise Impact Assessment for Bunnings Tweed Heads South, prepared by Acoustic Dynamics Pty Ltd dated 13</p>

	<p>December 2022 (Doc Id 5844R001.LM.221129/ECM Doc Set ID 7837934) and any addendum(s) or amendment(s) to this report as approved by the Manager Environment Health Unit or delegate, [confirm that the development meets the maximum indoor design sound levels as prescribed in Table 3.3 of AS2021-2015 “Acoustics – Aircraft noise intrusion – Building siting and construction” and/or the design sound levels and reverberation times prescribed in Australian Standard AS/NZS 2107 “Acoustics - Recommended design sound levels and reverberation times for building interiors”], and include any recommended noise amelioration measures to be carried out by the applicant.</p> <p>The applicant shall carry out any such recommendations as provided within the Post Construction Noise Impact Compliance Assessment report to the satisfaction of the Manager Environmental Health Unit or delegate within 30 days from the date of the acoustic assessment, provided that the Manager Environmental Health Unit 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 Manager Environmental Health Unit or delegate.</p> <p>Condition reason: To protect the amenity of the local area.</p>
121	<p>Permanent Stormwater Quality Control Device</p> <p>Before 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.</p> <p>Condition reason: To ensure a stormwater quality control device has been installed prior to the issue of an Occupation Certificate</p>
122	<p>Public Sewer Easement</p> <p>Before the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the registration of a minimum 3m to 5m wide easement , in accordance with the requirements of D12, to drain sewage, located centrally over any reticulated public sewer within the subject property. This easement shall be created in favour of Council.</p> <p>No permanent structures are permitted within this easement, unless in compliance with Council’s “Council Utilities – Work in Proximity” policy and approved by Council.</p> <p>Condition reason: To ensure any existing, public sewer reticulation within the site is covered by an appropriate easement.</p>
123	<p>Regulated Systems – Legionella Control – Notification</p> <p>The proprietor of a premises with a cooling water system or warm-water system shall provide appropriate notification to Council prior to commencement of operations by submitting NSW Health’s Approved Form 6 available at www.health.nsw.gov.au/environment/legionellacontrol/Pages/legionella-protocols.aspx. Cooling water systems shall be accompanied by a Risk Management Plan on Approved Form 1.</p>

	Condition reason: To ensure compliance with relevant standards.
124	Structural Integrity of Retaining Structures Greater Than 1.2m All retaining walls (new or existing) must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the Principal Certifier or Council (if appointed) prior to the issue of an Occupation Certificate. Condition reason: To ensure structural integrity of the retaining structure
125	Streetscape and Landscaping Work Completion All landscaping and streetscaping works shall be completed in accordance with the approved s138 Detailed Landscape Plan prior to the issue of an occupation certificate and be maintained at all times to the satisfaction of Council's General Manager or delegate. Condition reason: To ensure amenity and landscaping outcomes are achieved.
126	Section 68 Certificate of Practical Completion Prior to the issue of an Occupation Certificate, a “Certificate of Practical Completion” shall be obtained from Council’s General Manager or his delegate for all works required under Section 68 of the Local Government Act. Condition reason: To ensure compliance with relevant standards.
127	Trade waste pre-treatment device to be installed Pursuant to Section 68 of the Local Government Act 1993, an approved pre-treatment device (e.g. grease arrestor, oil separator, basket trap) 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. Condition reason: To ensure an approved pre-treatment device is installed prior to occupation.
128	Intersection upgrades Prior to issue of an occupation certificate, the road upgrades as described in the Traffic and Parking Assessment Report prepared by Transport and Traffic Planning Associates dated February 2023 are to be implemented. This includes traffic signal installations at the intersections of Greenway Drive/Enterprise Avenue and Greenway Drive/Traders Way, and any road linemarking associated with the development. Condition reason: To ensure the required intersection upgrades are operational prior to the opening of the development.

129	Voluntary Planning Agreement
	Prior to the issue of the first Occupation Certificate (whether interim or final) in respect to this development, the applicant must pay to Council the contributions required under the Voluntary Planning Agreement.
	Condition reason: To ensure the requirements of the Voluntary Planning Agreement are met.
130	'Restoration Area' restriction on title
	<p>A positive covenant and restriction as to user applicable under Section 88B of the Conveyancing Act 1919 shall be registered for the benefit of the Tweed Shire Council prior to issue of the first Occupation Certificate on the terms specified below:</p> <p>a. A Positive Covenant shall be registered over the area described as 'Restoration Area' on Figure 11 titled Location of the Restoration Area in Koala Habitat Assessment and Habitat Restoration Plan Bunnings Tweed Heads South – 44 Enterprise Avenue dated 22 April 2024 prepared by Cumberland Ecology. The area must be subject to a habitat restoration program undertaken in accordance with the approved Koala Habitat Assessment and Habitat Restoration Plan pursuant to conditions of this consent and managed as a natural area for conservation purposes in perpetuity.</p> <p>Burden: Part Lot 2 DP1077990 and Part Lot 3 DP1077990</p> <p>Benefit: Tweed Shire Council</p> <p>b. Restriction as to User restricting the following activities within the area described as 'Restoration Area' on Figure 11 titled Location of the Restoration Area in Koala Habitat Assessment and Habitat Restoration Plan Bunnings Tweed Heads South – 44 Enterprise Avenue dated 22 April 2024 prepared by Cumberland Ecology.:</p> <ul style="list-style-type: none"> i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent ii. Erection of any fixtures or improvements, including buildings or structures iii. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the area iv. Construction of any trails or paths v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Conservation Area; and

	<p>vi. Performance of any other acts which may have detrimental impact on the values of the Conservation Area.</p> <p>Burden: Part Lot 2 DP1077990 and Part Lot 3 DP1077990</p> <p>Benefit: Tweed Shire Council</p> <p>Condition reason: To ensure applicable 88B Instruments are created to support the development.</p>
131	<p>Primary establishment phase habitat works</p> <p>All primary establishment phase habitat works in accordance with the approved Koala Habitat Assessment and Habitat Restoration Plan shall be completed prior to issue of the first Occupation Certificate.</p> <p>Condition reason: To ensure works occur prior to Occupation Certificate.</p>
132	<p>Primary establishment phase habitat works certification</p> <p>The applicant must provide to Council immediately prior to the issue of the first Occupation Certificate, certification from a suitably qualified habitat restoration professional that all primary establishment phase habitat works have been completed in accordance with the approved Koala Habitat Assessment and Habitat Restoration Plan.</p> <p>Condition reason: To provide certification to Council that works have been carried out in accordance with approved plan.</p>

Occupation and ongoing use

133	<p>Graffiti removal</p> <p>During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.</p> <p>Condition reason: To protect and preserve the visual amenity of the surrounding public domain</p>
134	<p>Management of asset protection zones (APZ)</p> <p>During ongoing use of the site, the APZ must be managed in accordance with the Bushfire Hazard Assessment prepared by BlackAsh Bushfire Consulting dated 1 May 2024, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.</p> <p>Condition reason: To ensure ongoing protection from bush fires.</p>

135	Business to dispose of non-domestic waste as per approved Liquid Trade Waste Agreement
	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.
	Condition reason: To ensure that all waste from the business is disposed of as per the approved Liquid Trade Waste Agreement.
136	Delivery Hours
	All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday or Public Holidays unless otherwise approved by the Manager Environmental Health Unit or delegate.
	Condition reason: To protect the amenity of the local area.
137	External Lighting
	All externally mounted artificial lighting, including security lighting, shall comply with Australian Standard AS4282:2019 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 to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. Externally mounted lighting shall not spill beyond the boundary of the site.
	Condition reason: To ensure safe operation of the premises and protect the amenity of the local area.
138	Food Premises Standards
	Any premises used for the storage, preparation or sale of food shall meet the requirements of the Food Act 2003, FSANZ Food Safety Standards, Australian Standard AS 4674:2004 Design, construction and fit-out of food premises, and the requirements of Council's General Manager or delegate.
	Condition reason: To ensure compliance with relevant standards.
139	Hazardous and Dangerous Goods Storage
	All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW.
	Condition reason: To ensure compliance with relevant standards.
140	Landscaping

	<p>Landscaping must be maintained and kept in good condition in perpetuity for the life of the development in accordance with the approved Detailed Plan of Landscaping to the satisfaction of Council's General Manager or delegate.</p> <p>Landscape areas shall not be replaced by impervious surfaces including artificial turf or hardstand paving to maintain adequate stormwater infiltration and deep soil zones on site.</p> <p>Condition reason: To ensure landscaping outcomes are achieved and for compliance with site coverage controls.</p>
141	<p>Managing Noise (Complaint Report)</p> <p>Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified acoustic consultant in accordance with relevant standards and guidelines. The NIS is to be submitted to the satisfaction of the Manager Environmental Health Unit or delegate and include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.</p> <p>Condition reason: To protect the amenity of the local area.</p>
142	<p>Managing Noise – Mechanical Equipment</p> <p>Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the Protection of the Environment Operations Act 1997.</p> <p>Condition reason: To protect the amenity of the local area.</p>
143	<p>Mechanical Plant - Location and Acoustic Treatment</p> <p>All 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 Council's General Manager or 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.</p> <p>Condition reason: To ensure operational noise levels do not unreasonably impact on the amenity of adjoining and nearby premises.</p>
144	<p>Mechanical Ventilation Standards</p> <p>All mechanical ventilation shall meet the requirements of Australian Standard AS1668.2:2012 "The use of ventilation and air conditioning in buildings, Part 2: Mechanical ventilation in buildings".</p> <p>Condition reason: To ensure compliance with relevant standards.</p>

145	Noise and Vibration – Site Management Plan
	<p>The site shall be managed in accordance with a the Environmental Noise Impact Assessment for Bunnings Tweed Heads South, prepared by Acoustic Dynamics Pty Ltd dated 13 December 2022 (Doc Id 5844R001.LM.221129/ECM Doc Set ID 7837934), including the Loading Dock Noise Management Plan included in the noise assessment, or to the satisfaction of Council's General Manager or delegate which details how activities associated with the development are managed to prevent the generation or emission of offensive noise. Staff must monitor all activities to minimise disturbance to onsite patrons and neighbouring residents and a site manager contact number shall be made available on a 24 hour basis to respond to complaints or emergencies.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
146	Operating Hours
	<p>Hours of operation of the business are restricted to the following hours:</p> <ul style="list-style-type: none"> • 6.00 am to 10.00 pm - Mondays to Fridays • 6.00 am to 7.00 pm - Saturdays • 6.00 am to 7.00 pm - Sundays and Public Holidays
	<p>Condition reason: To protect the amenity of the local area.</p>
147	Regulated Systems – Legionella Control
	<p>Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the Public Health Act 2010 shall be operated and maintained in accordance with the requirements of Part 2 – Legionella Control of the Public Health Regulation 2022.</p>
	<p>Condition reason: To ensure regulated systems are managed appropriately to protect health and safety.</p>
148	Storage of Goods
	<p>All containers that contain or once contained potentially contaminating material such as chemicals, oils, cleaning products, paints, fuel and the like shall be stored to the satisfaction of Council's General Manager or delegate and in accordance with SafeWork NSW guidelines.</p>
	<p>Condition reason: To ensure compliance with relevant standards.</p>
149	Waste Collection Hours
	<p>The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays unless otherwise approved by the Manager Environmental Health Unit or delegate.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>

150	Waste Management
	All wastes shall be collected, stored, and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of Council's General Manager or delegate.
	Condition reason: To protect the amenity of the local area.
151	Managing Amenity Impacts
	The use shall be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, odours, or the like.
	Condition reason: To protect the amenity of the local area.
152	Annual habitat restoration report
	An annual habitat restoration report prepared by a person suitably qualified in Bushland Regeneration or Ecological Restoration shall be submitted to Council within eight (8) weeks of each consecutive year during the five (5) year maintenance period certifying successful completion of works in accordance with the approved Koala Habitat Assessment and Habitat Restoration Plan.
	Condition reason: To ensure that habitat restoration works are occurring as approved.
153	Habitat restoration works
	All habitat restoration works must be undertaken in accordance with the approved Koala Habitat Assessment and Habitat Restoration Plan to the satisfaction of Council's General Manager or delegate for the life of the development.
	Condition reason: To ensure habitat restoration works are carried out in accordance with the approved plan.
154	Bunnings BBQ area
	Bunnings BBQ's must not be conducted within any car parking spaces. so that it will not affect the number of parking spaces provided.
	Condition reason: To ensure additional activities do not affect the number of parking spaces provided.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means TWEED SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.