**Recommended Conditions for** **DA23/0316** **place of public worship, signage & ancillary uses including restaurant or cafe in five (5) stages (NRPP)** **at Lot 12 DP 830660; No. 90 Phillip Street CHINDERAH**

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans and Drawings identified below, except where varied by the conditions of this consent.

|  |  |  |  |
| --- | --- | --- | --- |
| Drawing No | Title | Date | Prepared by |
| DA104A 7 | Site Existing – Tree Identification | 14.06.2024 | Aspect Architecture |
| DA104B 6 | Site Proposed – Vegetation Restoration Zones  | 25.06.2024 | Aspect Architecture |
| DA104C 6 | Landscaping Zoning Plan – Final Stage | 14.06.2024 | Aspect Architecture |
| DA106 2 | APZ Stage 1 - Masterplan | 14.06.2024 | Aspect Architecture |
| DA107A 4 | APZ Final Stage - Masterplan | 11.06.2024 | Aspect Architecture |
| DA109 3 | Site Proposed – Infrastructure & Traffic | 11.06.2024 | Aspect Architecture |
| DA110 10 | Stage 1 - Masterplan | 26.07.2024 | Aspect Architecture |
| DA120 3 | Stage 1 – Ground Floor | 26.07.2024 | Aspect Architecture |
| DA121 3 | Stage 1 – First Floor | 26.07.2024 | Aspect Architecture |
| DA130 2 | Stage 1 - Sections | 25.06.2024 | Aspect Architecture |
| DA140 2 | Stage 1 - Elevations | 25.06.2024 | Aspect Architecture |
| DA210 13 | Final Stage - Masterplan | 26.07.2024 | Aspect Architecture |
| DA220 3 | Final Stage – Ground Floor | 26.07.2024 | Aspect Architecture |
| DA221 3 | Final Stage – First Floor | 26.07.2024 | Aspect Architecture |
| DA230 2  | Final Stage - Sections | 25.06.2024 | Aspect Architecture |
| DA240 2 | Final Stage - Elevations | 25.06.2024 | Aspect Architecture |
| DA300 2 | Signage 1 & 2 (As annotated in red by Tweed Shire Council – Sign #1 not approved) | 25.06.2024 | Aspect Architecture |
| DA301 2 | Signage 3 & 4(Includes the non-identified G sign adjacent to Signs 3 and 4) | 25.6.2024 | Aspect Architecture |

The development is to be completed in the following stages unless otherwise agreed in writing by the General Manager or delegate:

Stage 1: Construction of the church building, including outdoor promenade, 710 seat auditorium and associated/ancillary services/facilities; accessible toilets, lobby, parents room, ‘welcome’ room, store and garden areas; waste bin enclosures; kids space demountables and associated fenced outdoor play areas and associated works.

Stage 2: Ground floor toilets, waste area, upper level covered walkway roof, vehicle drop-off area and associated works.

Stage 3: Ground and upper floor kids spaces and walkways and associated works.

Stage 4: Ground floor training room, café, kitchen and stores, cleaners store, accessible bathroom, and associated works; upper level youth space, store, toilets and outdoor walkway/balcony and associated works.

Stage 5: Maintenance/storage shed; vertical circulation and associated works.

[GEN0005]

1. All approved signs and related supporting structures, landscaping features, plinths and the like shall be maintained by the site owner/management in a neat and tidy condition.
2. No signs or advertising materials or structures shall be displayed, installed or erected anywhere on the Pacific Motorway, Waugh Street or Phillip Street site frontages other than as approved by this consent.
3. The illumination of all approved signs shall be limited to the approved hours of operation of the church and its ancillary uses unless otherwise agreed in writing by the General Manager or delegate.
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

1. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

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

[GEN0300]

1. All existing trees within the road reserve are to be retained and protected during construction. Where existing trees within the road reserve cannot be adequately retained and protected, approval from Council’s General Manager or their delegate is required to remove street trees and they are to be replaced with a similar species in a 45L pot in accordance with Council’s Development Design Specification D14.08.03C Tree Planting and Location (for distances away from infrastructure such as light poles and driveways) and Standard Drawing ‘Tree and Shrub Planting Details’ Dwg. No. SD701 (including the installation of root barrier) to the satisfaction of Council’s General Manager or their delegate.

[GEN0355]

1. The importation of any of the following material must be in accordance with the Biosecurity (Invasive Ant Carriers) Control Order 2023 (including any revised orders made under the *Biosecurity Act 2015*) and meet the requirements of NSW Department of Primary Industries:
* organic mulch (which includes manure, bark, wood chips, hay, straw, sileage, and sugar cane bagasse);
* baled materials;
* potted plants;
* agricultural or earth-moving machinery;
* fill or soil (which includes anything with soil on it such as turf); and
* mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

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

[GEN0385]

1. An Unexpected Finds Protocol shall be prepared by a suitably qualified person to the satisfaction of Council’s General Manager or delegate that addresses how any unexpected or suspicious materials with the potential to be wastes or relate to contamination will be managed. Should these materials be discovered, all sitework must cease immediately. No works shall be undertaken until the required investigations have been completed and any permits or approvals obtained where required to the satisfaction of Council’s General Manager or delegate.

[GEN0435]

1. All waste material removed from or imported to the site is managed in accordance with the following requirements:
* 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:

o Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, and/or

o A material identified as being subject to a resource recovery exemption by the NSW EPA.

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.

[GEN0490]

1. 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.
2. 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”.
3. The development shall be constructed in accordance with the approved food fitout plans or to the satisfaction of Council’s General Manager or delegate.
4. 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.
5. The driveway and car parking areas shall be finished with surface coatings which prevent tyre squeal (an uncoated surface is acceptable) and any drainage grating over trafficable areas be well secured to prevent rattling.
6. 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 Premises Registration/Change of Details form available at www.tweed.nsw.gov.au <http://www.tweed.nsw.gov.au/> or by calling 02 6670 2400.

[GENNS01]

1. The extent of native vegetation removal approved by this consent is limited to those trees identified and assigned as ‘Remove Trees/s’ and hatched in red shown on Dwg. No. DA104A Issue 7 Site Existing – Tree Identification dated 14 June 2024 prepared by Aspect Architecture unless otherwise approved by Council’s General Manager or delegate. Vegetation removal approved by this consent shall not be undertaken until issue of Construction Certificate. All other individual trees and native vegetation occurring within vegetation zones onsite shown on Dwg. No. DA104A Issue 7 Site Existing – Tree Identification dated 14 June 2024 prepared by Aspect Architecture shall be retained and protected during the construction phase and life of the development.
2. Areas described and identified as ‘Zone A – Existing Vegetation On Site’ and ‘Zone B - Buffer Zones’ on Dwg. No. 104C Issue 6 Landscaping Zoning Plan – Final Stage dated 14 June 2024 prepared by Aspect Architecture shall be subject to a habitat restoration program undertaken in accordance with the approved Habitat Restoration Plan pursuant to conditions of this consent and managed as a natural area for conservation purposes in perpetuity.
3. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent where located within the road reserve. Application shall include (but not be limited to):
4. Arboricultural management measures consistent with ‘Figure 6 Tree Protection Zones Southern extent’, ‘Figure 7 Tree Protection Zones – Northern Extent’ and ‘Figure 8 Tree Protection Zones – Waugh Street’ in the supplementary arborist report titled ‘Request for Further Information’ dated 18 July 2024 prepared by Northern Tree Care to demonstrate avoidance of existing trees and vegetation within the Phillip Street and Waugh Street road reserve during road upgrade and service installation.
5. Storm pipes passing under the driveway crossover to be upgraded to a box culvert of at least the current capacity of the existing pipe culverts.
6. Driveway access is to be designed in accordance with Tweed Shire Council standard drawings through an approved s.138 application.
7. Application shall be made to Tweed Shire Council under Section 68 of the Local Government Act 1993 for works pursuant to this consent for any water, sewerage, onsite sewerage management system or drainage works. Application shall include (but not be limited to):

a. Arboricultural management measures consistent with ‘Figure 6 Tree Protection Zones Southern extent’, ‘Figure 7 Tree Protection Zones – Northern Extent’ and ‘Figure 8 Tree Protection Zones – Waugh Street’ in the supplementary arborist report titled ‘Request for Further Information’ dated 18 July 2024 prepared by Northern Tree Care to demonstrate avoidance of existing trees and vegetation within the Phillip Street and Waugh Street road reserve during road upgrade and service installation.

1. 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.
2. The proposed sewer and/or water Civil Engineering plans supplied by Westera Partners Pty Ltd are considered to be preliminary. A future Section 68 Sewer and/or Water System Works application is to be submitted to Council in accordance with Tweed Shire Council’s Development Design & Construction Specifications to the satisfaction of the General Manager or delegate.
3. The sewer pump unit and rising mains for the development will be owned, maintained and operated by the property owner.

The design of the sewer pumping station shall comply with the Water Services Association (WSA) standards WSA02-2014-3.2 or WSA07-2007 for Pressure Sewerage.

The maximum flow rate discharge from the sewerage pump station which discharges to Council’s sewer network shall not exceed 2.0L/s (unless otherwise approved by Council’s Water & Wastewater Unit).

The sewer pumping station is to be constructed in a flood proof well with electrical equipment located 0.5m above 1% AEP.

Sewer pump systems shall be sized for industrial/ commercial and not domestic requirements.

At least 24 hours emergency storage capacity shall be provided within the sewer pump system.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

1. **Section 7.11 Contributions**

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

A Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 7.11 Contributions must have been paid in full and the Certifying Authority must have sighted Council's receipt confirming payment.

|  |  |  |
| --- | --- | --- |
| a. | Contribution Plan No 4 - Tweed Road Contribution Plan: |  |
|  | 113.7 trips @ $1,640.82 per trip($1,137.00 base rate + $503.82 indexation) | $186,561.63 |
|  | CP04 Road Contributions (6-Kingscliff) |  |
| b. | Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities: |  |
|  | 0.5697332 ETs @ $2,849.51 per ET($1,759.90 base rate + $1,089.61 indexation) | $1,623.46 |
|  | CP18 Council Admin Facilities |  |

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates in the relevant Plan as at the date the condition is imposed (which may have been indexed or varied from the original contribution rates in the Plan by a clause adopted in the Plan).

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

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

[PCC0215]

1. 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.
2. In accordance with Section 6.14 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for BUILDING WORKS OR Subdivision Works Certificate for SUBDIVISION WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

1. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

• The Planning Flood Level for the building is RL 3.5m AHD.

• All building materials used below Council's Design Flood Level must not be susceptible to water damage.

• Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level shall be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

• Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

1. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifier PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

1. Prior to the issue of a Construction Certificate the applicant shall obtain approval to install an on-site sewage management system/private sewage ejection pump station under Section 68 of the Local Government Act 1993.
2. Prior to issue of a Construction Certificate the applicant is required to provide a detailed hydraulic design report certified by a qualified Hydraulic Engineer to the satisfaction of Council’s General Manager or Delegate.

The report shall include but not be limited to the following criteria:

* System type and specifications including pump-well volume, pump specifications including pump curve information, and rising main size, length and location.
* Details of operation and maintenance of said pumps.
* The sewer pump is to be constructed in a flood proof well with electrical equipment located 0.5m above the 1% AEP flood level.
* The pump shall have a maximum flow of 2.0L/s (unless otherwise approved by Council’s Water & Wastewater Unit).

The applicant shall note:

* The sewer pump unit and rising mains for the development will be owned, maintained and operated by the property owner.
* The design on the sewer pumping station shall comply with the Water Services Association (WSA) standards, WSA02-2014-3.2 or WSA07-2007 for Pressure Sewerage.
* At least 24 hours emergency storage capacity shall be provided within the sewer pump system.
* The maximum flow rate discharge from the sewage pump station shall not exceed 2.0L/s (unless otherwise approved by Council’s Water & Wastewater Unit).
1. 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 Registered Certifier) prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council’s standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated construction certificate being issued.

1. Prior to 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:

Any water, sewerage, on-site sewerage management systems or stormwater drainage works.

Installation of stormwater treatment and quality control devices.

Erosion and sediment control works.

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

1. Prior to the issue of a construction certificate, details of an appropriate means of rainwater capture/collection and re-use shall be submitted to and approved by the General Manager or delegate and thereafter be retained unless otherwise agreed by the General Mnager or delegate.
2. Prior to issue of construction certificate, an odour and septicity assessment are to be competed, to ensure design will not produce any nuisance odours or degradation of the sewer system due to septicity.
3. A suitable bin storage area shall be provided. Prior to the issue of any construction certification, final plans shall be submitted to the General Manager or delegate for approval. The proposed bin store shall be compliant with Tweed Shire Council’s Development Design Specification D15. The proposed waste collection point for bin storage shall be suitably bunded, graded, roofed, and drained to prevent any water or wash off from the area entering the stormwater system. A hose tap connected to the water supply and fitted with a suitable backflow device shall be provided to the area.
4. Prior to the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier:
	1. Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and
	2. ensure all generated heated air, smoke, fumes, steam or grease vapours do not:
		1. cause a nuisance to persons within or nearby to the premises, or
		2. cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.
5. Prior to the issue of the relevant construction certificate plans drawn to a scale of 1:50 detailing all food and drink related areas shall be provided to Council for assessment and approval. The plans shall be accompanied by a completed Application for Approval of Food Premises Fitout Plan and the adopted fee in Council’s Fees and Charges. Evidence of the plans being approved shall be provided prior to release of the construction certificate. Plans are to include:
* Floor plan and elevations;
* Layout of kitchen, bar and all equipment;
* All internal finish details including floors, wall, ceiling and lighting;
* Hydraulic design and /or method of disposal of trade waste; and
* Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.
1. Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the Acoustic Report prepared by CRG Acoustics, dated 11 July 2024, reference 21045 report rev.2, titled Environmental Noise Impact Report, Council reference Document Set ID 8107052 with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of Council’s General Manager or delegate prior to the Construction Certificate being issued.
2. The proposed mechanical design for the site shall be reviewed by a suitably qualified acoustic consultant during the design phase to ensure that all required treatments as specified in the approved Noise Impact Assessment have been incorporated into the design.

[PCCNS01]

1. Prior to issue of Construction Certificate, or commencing any works (whichever occurs first) and to the satisfaction of the Principal Certifier, details of the southern acoustic fence shown on Sketch No.1 titled ‘Car Park layout and recommended acoustic treatments (Not to Scale)’ in Environmental Noise Impact Report dated 11 July 2024 prepared by CRG Acoustics shall be shown on the civil engineering plans. The southern acoustic fence shall be:

a. Aligned at the general apex of the northern top of bank to the drainage channel that exists adjacent to and parallel with the sites southern boundary to avoid obstruction of the drainage channel.

b. Aligned to avoid impact upon native vegetation unless otherwise approved by Council’s General Manager or delegate.

c. Designed, constructed, positioned and thereafter maintained for the life of the approved development in a manner that:

i. maintains the structural integrity of the bed and banks of the drainage channel that exists adjacent to and parallel with the sites southern boundary; and

ii. allows the free flow and drainage of flood/storm water.

[PCCNS01]

1. Prior to the issue of Construction Certificate, and to the satisfaction of the Principal Certifier, the final design details of the southern acoustic fence shall be reviewed by an acoustic consultant to ensure that all required treatments in the Environmental Noise Impact Report dated 11 July 2024 prepared by CRG Acoustics have been incorporated into the design. Written confirmation from the acoustic consultant shall be submitted to the satisfaction of Council’s General Manager or delegate prior to the issue of the Construction Certificate.

[PCCNS01]

1. Details of all other fencing (in addition to the proposed southern boundary fence as referred to in other conditions listed in this consent) shall be provided to Council for the approval of the General Manager or delegate that shows a form that allows the free passage of flood/storm water.
2. The Habitat Restoration Plan dated May 2024 (Revision C) prepared by Biome Water and Environmental Consulting shall be amended as follows and submitted to Council for approval:
3. Remove Small-fruited Grey Gum (Eucalyptus propinqua) from Planting Palette PP-1 and replace with Swamp Mahogany (Eucalyptus robusta)
4. Remove Narrow-leaved Paperbark (Melaleuca alternifolia) and Prickly-leaved Tea Tree (M. styphelioides) from Planting Palette PP-1 and replace with local native species typically comprising Swamp Sclerophyll Forest on Coastal Floodplains and/or Subtropical coastal floodplain forest vegetation types.
5. Remove all vines and ferns from the Planting Palette PP-1
6. To clearly demarcate habitat restoration zones include any/or a combination of the following hard landscape/fencing elements around the entire perimeter of areas:
* ‘Zone B Restoration Area’ at the interface with ‘Zone C Asset Protection Zone/Koala Offset Planting Area’ and ‘Building Area Footprint’; and
* ‘Zone A Restoration Area’ and the ‘Building Area Footprint’:
	+ 1. Bollards at 1.5 metre spacings in general accordance with Tweed Shire Council Landscaping Standards Dwg. No. S.D.704 Bollard and Removal Rail Detail
		2. Log Barrier Fencing in general accordance with Tweed Shire Council Landscaping Standards Dwg. No. S.D.703
		3. Other fauna friendly open-style fencing option to a maximum height of 1.2 metres as approved by Council’s General Manager or delegate.
1. Include Mitchell’s Rainforest Snail (Thersites mitchellae) habitat restoration operation and reporting protocols as a precautionary measure should Mitchell’s Rainforest Snail be encountered onsite to ensure Mitchell’s Rainforest Snail individuals are not harmed or lifecycles adversely affected during and/or as a result of habitat restoration activities.
2. 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.
3. 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.
4. Indicate that all Initial Site Works and Establishment Period habitat restoration works are to be completed prior to issue of the first Occupation Certificate pursuant to conditions of this consent.
5. Include the following Initial Site Works/Establishment Period performance criteria:
	* 1. Achieve 100 % survival rate of all installed plants;
		2. Treatment of minimum 95% of environmental weeds;
		3. Installation of all hard landscape/fencing elements; and
		4. Removal of all structures, rubbish, road base, hardstand and other debris foreign to the restoration area.
6. Include a long-term management component to comprise:
	* 1. 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.
		2. Set of performance criteria to be achieved annually post the ten (10) year on-maintenance period.
		3. A schedule of annual works to achieve post 10-year on-maintenance period performance criteria.

The amended Habitat Restoration Plan shall be approved by Council’s General Manager or delegate prior to the earlier of issue of the first Construction Certificate or commencement of any works onsite.

1. A Vegetation and Fauna Management Plan (V&FMP) shall be submitted to Council and approved by Council’s General Manager or delegate prior to the earlier of issue of the first Construction Certificate or commencement of any works onsite. The V&FMP shall be prepared by a suitably qualified ecologist and include (but not be limited to) the following:

Vegetation Management

1. 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.
2. Details of strategies and methods to be implemented to protect vegetation to be retained in accordance with:
	* 1. Australian Standard AS 4970-2009 Protection of trees on development sites; and
		2. Section 9 titled ‘Tree Protection’ in Arboricultural Impact Assessment Report dated June 2022 prepared by Northern Tree Care
3. Methods for the reuse and/or disposal of felled vegetation from the subject site.

Fauna Management

1. 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.
2. Include methodology for the undertaking of targeted Mitchell’s Rainforest Snail Thersites mitchellae survey prior to commencement of works onsite and details of site based best practice management actions having regard for the approved Mitchell’s Rainforest Snail Thersites mitchellae Recovery Plan dated July 2001 (NSW NPWS) should the species be encountered prior to or during construction activity and/or ecological restoration.
3. Include specific Bush Stone-curlew (Burhinus grallarius - listed as Endangered under the Biodiversity Conservation Act 2016) precautionary best practice construction management measures having regard for the Recovery Plan for the Bush Stone-curlew Burhinus grallarius dated February 2006 (DE&C NSW) should the species be encountered prior to or during construction activity.
4. 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).
5. Considerations relating to time periods for when fauna is to be removed/flushed prior to clearing.
6. Details of special equipment required (such as cameras, elevated platforms etc.).
7. Identification of general locations where wildlife would likely be relocated/translocated to if required based on preferred habitat requirements.
8. 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
9. A detailed plan of landscaping shall be submitted to Council and approved by Council’s General Manager or delegate prior to issue of Construction Certificate.

The detailed plan of landscaping shall include details of on-going management including that of all hard and soft landscaping features/structures at the site entrance.

The detailed plan of landscaping shall satisfy the following plant selection criteria:

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. 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.

d. Compliance with bushfire requirements.

1. Engineering plans shall show pervious paving detail to be installed within all carparking areas identified as ‘Car Park with Permeable Surface’ on Dwg. No. DA109 Site Proposed – Infrastructure & Traffic Issue 3 dated 11 June 2024 prepared by Aspect Architecture.
2. Prior to issue of Construction Certificate or Section 138 approval under the Roads Act 1993 or Section 138 approval under the Local Government Act 1993 for works within the Phillip Street or Waugh Street road reserve, whichever occurs first, a performance bond to the amount of $10,000.00 shall be lodged with Council as security to ensure vegetation within the Phillips Street and Waugh Street road reserve to be retained and protected is not removed or damaged during the construction phase. The performance bond shall be held by Council for a minimum period of 12 months following issue of Construction Certificate and released where it is demonstrated that tree protection and management obligations have been met to the satisfaction of Council’s General Manager or delegate.
3. The construction certificate application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the proposed development, prepared in accordance with Section D7.07 of Council's Development Design Specification D7 - Stormwater Quality.

Such plans are to include measures, monitoring and adaptive management actions to ensure appropriate stormwater quality outcomes are achieved.

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

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

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

An Operational Manual for all Stormwater Quality Control Devices must be provided as part of the SWMP. This manual must be updated as required during the Defects Liability ("On-Maintenance") Period for the device and the final version of the manual must be handed over to Council at the formal commissioning of the device, at the completion of the Defects Liability Period ("Off Maintenance").

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

• The construction certificate application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.B2 of Council’s Development Design Specification D7 - Stormwater Quality.

• Permanent stormwater quality treatment shall comply with Council’s Development Design Specification D7 - Stormwater Quality.

• It is encouraged that Water Sensitive Urban Design principles such as bio-retention facilities in accordance with “Water By Design” guidelines (being a program of the South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an “end of line” proprietary Gross Pollutant Device.

• Specific requirements to be detailed within the construction certificate application include:

• 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.

• Specific Requirements to be detailed within the application include:

* + 1. Bioretention basins/swales shall be designed in accordance with Water by Design’s Bioretention Technical Design Guidelines (BTDG).
		2. Detailed design of vegetated stormwater treatment devices shall be submitted to Council with a section 68 Stormwater Drainage Works Application.
		3. The section 68 Stormwater Drainage Works Application shall include a maintenance plan for any vegetated stormwater treatment devices.
1. Prior to 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:

• Any water, sewerage, on site sewerage management system, or stormwater drainage works;

• Installation of stormwater treatment and quality control devices;

• Erosion and sediment control works; and

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

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

• 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.

1. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the 1% AEP design storm, shall be limited to pre-development flows. 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.

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

1. Sign #1 as identified on Drawing DA300 Issue 2 - Signage 1 & 2, prepared by Aspect Architecture and dated 25.06.2024 is not approved. Revised sign details (including illumination details and specifying a maximum height of no more than 1m above ground level) are to be submitted to and approved by the General Manager or delegate prior to the issue of a construction certificate. Thereafter the sign shall be maintained for the life of the development in accordance with any other applicable conditions of this consent, unless otherwise agreed in writing by the General Manager or delegate.

**PRIOR TO COMMENCEMENT OF WORK**

1. The erection of a building in accordance with a development consent must not be commenced until:
	1. 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
	2. the person having the benefit of the development consent has:
		1. appointed a principal certifier for the building work, and
		2. notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
	3. the principal certifier has, no later than 2 days before the building work commences:
		1. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
		2. 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
	4. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
		1. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
		2. notified the principal certifier of any such appointment, and
		3. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

1. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifier" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

1. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

(a) a standard flushing toilet connected to a public sewer, or

(b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

1. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2021**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

1. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

1. All pre-construction vegetation and fauna management measures shall be satisfactorily implemented in accordance with the approved Vegetation and Fauna Management Plan.
2. 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.

**DURING CONSTRUCTION**

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

[DUR0005]

1. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

1. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.
2. The Applicant shall submit and obtain approval for a sewer junction for proposed Lot 12 DP830660, from the existing sewer main in Waugh Street (manhole connection DM/3). The connection may be undertaken by Tweed Shire Council or Private Civil Contractor, with all the applicable costs and application fees paid by the applicant. BLD302BLD399K
3. The Applicant shall submit and obtain approval for a property service and/or water meter for proposed Lot 12 DP830660, from the existing water main in Waugh Street. The connection shall be undertaken by Tweed Shire Council, with all the applicable costs and application fees paid by the applicant.
4. Site work (including the switching on and operation of plant, machinery and vehicles) must only be carried out between the following times –

For any works from 7.00 am to 5.00 pm on Monday to Friday.

For any works from 8.00am to 1.00pm on Saturday.

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, public authority or as otherwise approved by Council’s General Manager or delegate.

No noise is to impact the amenity or disturb surrounding residents outside of these times.

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

1. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

1. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
2. [DUR0395]
3. 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.
4. [DUR0405]
5. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW requirements and Work Health and Safety Regulation 2017.

[DUR0415]

1. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
* Noise, water or air pollution.
* Dust during filling operations and also from construction vehicles.
* Material removed from the site by wind.

[DUR1005]

1. 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.

[DUR1015]

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

[DUR1685]

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

[DUR1705]

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

[DUR1945]

1. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

1. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section 15 - Waste Minimisation and Management and the approved bin storage area plan.

[DUR2205]

1. The site shall not be dewatered unless written approval to carry out dewatering operations is received from Council’s General Manager or delegate.

[DUR2425]

1. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
	1. internal drainage, prior to slab preparation;
	2. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
	3. external drainage prior to backfilling.
	4. completion of work and prior to occupation of the building.

[DUR2485]

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

[DUR2495]

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

[DUR2545]

1. 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:-

\* 45ºC for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

\* 50ºC in all other classes of buildings.

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

[DUR2555]

1. Acid sulfate soil shall not be disturbed during works. Where acid sulfate material is identified and/or disturbed during demolition/construction, work is to cease until further soil investigation has been carried out and, where required, an acid sulfate soil management plan has been provided to the satisfaction of Council’s General Manager or delegate.

Any acid sulfate soil containing material shall not be removed from the subject site for treatment unless the owner of the proposed treatment site has provided written documentation that they have provided their approval to receive such material. A copy of the written documentation shall be provided to Council’s authorised officer upon request.

[DUR2860]

1. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.
2. All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Acoustic Report prepared by CRG Acoustics, dated 11 July 2024, reference 21045 report rev.2, titled Environmental Noise Impact Report, shall be implemented in the development and to the satisfaction of the General Manager or their delegate.

[DURNS01]

1. If any threatened species not addressed in the report are discovered during construction operations, appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate. No further works will take place onsite until any respective Plan(s) of Management is/are approved unless otherwise approved by Council’s General Manager or delegate.
2. All Koala food tree offset works shall be undertaken in accordance with the Koala Offset Management Plan Revision A dated June 2024 prepared by Biome Water and Environmental Consulting unless otherwise approved by Council’s General Manager or delegate.
3. 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.
4. 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:

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.

c. If relocation was required, list of species and relocation location.

1. A suitably qualified supervising Project Arborist with a minimum Australian Qualification framework (AQF) Level 5 in Arboriculture must be engaged to supervise installation and implementation of tree management measures onsite and works within the Phillip Street and Waugh Street road reserves. The Project Arborist will be responsible for completing certification of tree protection through the various stages of development.
2. All reasonable directions given by the project ecologist, suitably qualified supervising Project Arborist (pursuant to supervising requirements of this consent) and/or Council’s General Manager or delegate with respect to vegetation and fauna management or specific tree management must be complied with during the construction phase of the development.
3. 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.

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

1. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

1. 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.
2. Pursuant to Section 68 of the Local Government Act 1993, an approved pre-treatment device (e.g. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to the Sewerage System. A Liquid Trade Waste Services Agreement will be issued, and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement.
3. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

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

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

[POC0355]

1. 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.
2. Prior to the issue of an Occupation Certificate, a Suitably Qualified Acoustic Consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier/Principal certifying Authority that the development complies with the requirements set out in the DA Acoustic Report prepared by DA Acoustic Report prepared by Acoustic Report prepared by CRG Acoustics, dated 11 July 2024, reference 21045 report rev.2, titled Environmental Noise Impact Report. The applicant shall carry out any such recommendations as provided within the Post Construction Noise Impact Compliance Assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[POCNS01]

1. 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.
2. An arboricultural certification report prepared by the project arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to issue of Occupation Certificate confirming compliance tree management measure/s imposed to protect retained vegetation as reasonably directed by Council’s General Manager or delegate or Project Arborist during the construction period.
3. Prior to the issue of the first Occupation Certificate, all preferred koala offset plantings must be completed in accordance with the approved Koala Offset Management Plan Revision A dated June 2024 prepared by Biome Water and Environmental Consulting pursuant to conditions of this consent to the satisfaction of Council’s General Manager or delegate.
4. Prior to the issue of the first Occupation Certificate, all Initial Site Works and Establishment Period habitat restoration works shall be completed in accordance with the approved Habitat Restoration Plan pursuant to conditions of this consent to the satisfaction of Council’s General Manager or delegate.
5. 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 Initial Site Works and Establishment Period habitat restoration works and preferred koala offset plantings have been completed in accordance with the plans.
6. 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:
7. A Positive Covenant shall be registered over the land onsite described and identified as ‘Zone A – Existing Vegetation On Site’ and ‘Zone B - Buffer Zones’ on Dwg. No. 104C Issue 6 Landscaping Zoning Plan – Final Stage dated 14 June 2024 prepared by Aspect Architecture. The area must be subject to a habitat restoration program undertaken in accordance with the approved Habitat Restoration Plan pursuant to conditions of this consent and managed as a natural area for conservation purposes in perpetuity.

**Burden:** Part Lot 12 DP830660 **Benefit:** Tweed Shire Council

1. Restriction as to User restricting the following activities on land onsite described and identified as ‘Zone A – Existing Vegetation On Site’ and ‘Zone B - Buffer Zones’ on Dwg. No. 104C Issue 6 Landscaping Zoning Plan – Final Stage dated 14 June 2024 prepared by Aspect Architecture
	* 1. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent
		2. Erection of any fixtures or improvements, including buildings or structures
		3. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the area
		4. Construction of any trails or paths
		5. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Conservation Area; and
		6. Performance of any other acts which may have detrimental impact on the values of the Conservation Area.

**Burden:** Part Lot 12 DP830660 **Benefit:** Tweed Shire Council

1. A Positive Covenant shall be registered to protect and maintain in a healthy condition in perpetuity all Koala offset plantings in accordance with the approved Habitat Restoration Plan and Koala Offset Management Plan pursuant to conditions of this consent.

**Burden:** Part Lot 12 DP830660 **Benefit:** Tweed Shire Council

1. Restriction as to User restricting the removal of all Koala offset plantings in accordance with the approved Habitat Restoration Plan and Koala Offset Management Plan pursuant to conditions of this consent.

**Burden:** Part Lot 12 DP830660 **Benefit:** Tweed Shire Council

1. Restriction as to User restricting the following uses, structures, activities and the like on land described and identified as ‘Zone C – Inner Protection Area’ on Dwg. No. 104C Issue 6 Landscaping Zoning Plan – Final Stage dated 14 June 2024 prepared by Aspect Architecture.
	* 1. Erection of any fixtures or improvements, including buildings or structures unless otherwise approved by this consent
		2. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the area unless otherwise approved by this consent
		3. Keeping or permitting the entry of domestic animals or livestock

**Burden:** Part Lot 12 DP830660 **Benefit:** Tweed Shire Council

1. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the “Satisfactory Inspection Report” issued by Council for all s68h2 permanent Stormwater Quality Control Devices.
2. 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:

• The creation of a Positive Covenant and associated Restriction on Title relevant to the proposed stormwater on site detention / bioretention systems.

• Positive Covent over the subject land for the perpetual maintenance requirements associated with the stormwater on site detention / bioretention 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 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/manufacturer and included in the Positive Covent.

1. Prior to the issue of an Occupation Certificate, the North bound side of Phillip Street is to be widened to incorporate an Auxiliary Right Turn (AUR) lane including all associated line marking. The construction is to comply with all relevant Australian Standards and Austroads guides in terms of lane lengths, widths and line marking, including a sealed road shoulder of minimum 1m width.
2. Prior to the issue of an Occupation Certificate, a “no right turn” sign in the road reserve at the egress point of the development onto Phillip Street is to be installed. As this is a regulatory sign the applicant must apply to have this sign installed through the Council’s Local Traffic Committee. A left arrow and traffic island are to be painted on the driveway at the exit point to reinforce this movement.
3. 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 & Construction Specifications.
4. Prior to the issue of a Whole Occupation Certificate, all conditions of consent for each relevant stage are to be met.

[POC1055]

**USE**

1. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

1. No part of the development shall be used for commercial or other purposes (including those of a function centre), other than those that are the primary approved use(s) of the development, or those that are ancillary to the approved primary use(s) of the development.
2. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical pant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the 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.
3. 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.

[USE0225]

1. 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. The washing of the approved waste/bin storage area and bins shall only be done in a suitably screened, graded and drained garbage area.

[USE0875]

1. All physical aspects of the building’s structure and the approved acoustic wall installed in order to meet performance parameters in accordance with the approved DA Acoustic Report prepared by CRG Acoustics must be maintained at all times.
2. Any noise limiter or amplified sound equipment installed to control any amplified sound equipment used on the premises shall comply with the approved DA acoustic report and must be maintained at all times and must be tamper proof.
3. All external doors and windows of the auditorium shall be maintained closed during use, except for the purpose of ingress and egress.
4. Waste collections shall be limited to hours between 7am and 6pm.

[USENS01]

1. All habitat restoration works must be undertaken in accordance with the approved Habitat Restoration Plan to the satisfaction of Council’s General Manager or delegate for the life of the development.
2. 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 ten (10) year maintenance period certifying successful completion of works in accordance with the approved Habitat Restoration Plan.
3. Landscaping must be maintained at all times in accordance with the approved Detailed Plan of Landscaping to the satisfaction of Council's General Manager or delegate.
4. To minimise disturbance to nocturnal fauna, any outdoor artificial lighting shall be of a design that minimises lighting spill to the habitat restoration areas onsite referred to in this consent and contiguous area of wildlife habitat. Additional outdoor artificial lighting measures detailed in Section 9.7 of the site based Ecological Assessment dated June 2023 prepared by Biome Water and Environmental Consulting shall be implemented.
5. No parking spaces are to be reserved for staff at any time or by any means including signage or line marking unless otherwise agreed in writing by the General Manager or delegate.

**RURAL FIRE SERVICE CONDITIONS:**

**General Conditions**

A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:

* The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
* Australian Standard AS 3745:2010 Planning for emergencies in facilities;
* include planning for the early relocation of occupants.
* an Emergency Planning Committee is established to consult with occupants in developing and implementing an Emergency Procedures Manual; and
* detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745:2010 are clearly displayed, and an annual emergency evacuation is conducted.

**Asset Protection Zones**

***Intent of measures: is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the dwellings are below critical limits and prevent direct flame contact***

From the commencement of building works and in perpetuity, the property must be maintained as an inner protection area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* as identified on the plan prepared by BIOME, drawing no. HRP-04 and HTP-05, revision C, dated 16 May 2024 (See Appendix A of referred bush fire report). The extent of the tree canopy permitted within the entire APZ (all sides) at Occupation Certificate stage is limited to those identified as “blue circles” on drawing no. HRP-04.

* North, west and north-west for 29m as an IPA;
* North-east and east for 17.5m as an IPA; and
* South and south-west for 22m as an IPA.

When establishing and maintaining an inner protection area, the following requirements apply:

lower limbs should be removed up to a height of 2m above the ground;

preference should be given to smooth-barked and evergreen trees;

create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards the Place of Worship building should be provided;

shrubs should not be located under trees;

shrubs should not form more than 10% ground cover;

clumps of shrubs should be separated from the building by a distance of at least twice the height of the vegetation;

grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height);

leaves and vegetation debris should be removed;

there is to be a clear pathway maintained around the building for at least 1m. The areas are to be either a mown lawn to a maximum height of 100mm or non-combustible material;

no planting located to touch the building elements; and

no organic mulch.

**Construction Standards**

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

New construction of the Place of Worship building including the demountable buildings must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 ‘Construction of dwellings in bushfire-prone areas’ or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment 1 – 2015). New construction must also comply with the construction requirements in Section 7.5 of ‘Planning for Bush Fire Protection 2019’.

The proposed Class 10a shed is to be located a minimum 6m from the closest part of the Place of Worship building.

New construction of the covered walkway to the ‘Drop off’ area identified in the plan titled ‘Final Stage – Ground Floor’, reference 18534, version 1 dated 3 May 2023 must use non-combustible materials in accordance with the National Construction Code.

**Water and Utility Services**

***The intent of measures is to provide adequate services of water for the protection of dwellings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a dwelling.***

The provision of new electrical services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

where practicable, electrical transmission lines are underground:

where overhead, electrical transmission lines are proposed as follows:

lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and

no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

The provision of gas services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019;

reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of the relevant authorities, and metal piping is used;

all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;

connections to an from gas cylinders are metal;

if gas cylinders need to be kept close to the dwelling, safety valves are directed away from the dwelling and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;

polymer-sheathed flexible gas supply lines to gas meters adjacent to dwellings are not to be used; and

above-ground gas service pipes external to the dwelling are metal, including and up to any outlets.

**Landscaping Assessment**

***The intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants***

Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the acceptable solutions in Table 6.8a of ‘Planning for Bush Fire Protection 2019’.

A detailed landscape plan is to be prepared in accordance with the performance solution prepared by Bushfire Certifiers, dated 29th May 2024, and not to include any additional trees in the identified asset protection zones. The Plan is to adhere to the relevant requirements listed in this Bush Fire Safety Authority.

New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of the building is to be made of non-combustible material only.

**ESSENTIAL ENERGY**

Essential Energy makes the following general comments:

* If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
* Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
* Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easement and Close to Infrastructure.
* Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995 (NSW);* and
* It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.