**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans listed in the below table:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Plan title | Project No. | Plan No. | Issue | Dated | Drawn by |
| Ground Floor Plan | 19056 | DA-101 | L | 29/04/2020 | CKDS Architecture |
| Level 01 | 19056 | DA-102 | K | 17/04/2020 | CKDS Architecture |
| Typical Level 02 - 04 | 19056 | DA-103 | K | 17/04/2020 | CKDS Architecture |
| Level 05 | 19056 | DA-104 | K | 17/04/2020 | CKDS Architecture |
| Level 06 | 19056 | DA-105 | K | 17/04/2020 | CKDS Architecture |
| Roof Plan | 19056 | DA-106 | J | 09/08/2019 | CKDS Architecture |
| East Elevation | 19056 | DA-201 | G | 09/08/2019 | CKDS Architecture |
| South Elevation | 19056 | DA-202 | G | 09/08/2019 | CKDS Architecture |
| North Elevation | 19056 | DA-203 | G | 09/08/2019 | CKDS Architecture |
| West Elevation | 19056 | DA-204 | G | 09/08/2019 | CKDS Architecture |
| Section A | 19056 | DA-301 | G | 09/08/2019 | CKDS Architecture |
| Section B | 19056 | DA-302 | G | 09/08/2019 | CKDS Architecture |
| Area Schedule | 19056 | DA-401 | J | 17/04/2020 | CKDS Architecture |
| SEPP 65 Compliance | 19056 | DA-402 | F | 09/08/2019 | CKDS Architecture |
| SEPP 65 Natural Ventilation | 19056 | DA-403 | B | 17/04/2020 | CKDS Architecture |
| Materiality | 19056 | DA-502 | B | 09/08/2019 | CKDS Architecture |
| Landscape Plan | 19074 | L101 | E | 29/04/2020 | Xeriscapes |

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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.

[GEN0135]

1. The developer 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. Notification shall be made to Tweed Shire Council together with any prescribed fees including inspection fees for any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works), prior to the commencement of any building works on the site.

[GENNS01]

1. Erosion and Sediment Control shall be in general accordance with Concept Stormwater Management Plan prepared by NORTHROP, dated 29 July 2019 Ver B, except where varied by the conditions of this consent.

All Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council’s Development Design Specification D7 - Stormwater Quality and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”.

[GENNS02]

1. All private storage areas located on the ground floor ancillary to and for the exclusive use of individual units are to be numbered in accordance with the associated unit.

[GENNS04]

1. Prior to commencement of works (other than the asbestos removal works) an Asbestos Removal Clearance Certification for Lot 3 Sec 4 DP 2379; No. 33 Boyd Street TWEED HEADS; Lot 4 Sec 4 DP 2379; No. 35 Boyd Street TWEED HEADS shall be prepared by a suitably qualified person and submitted the General Manager or his delegate.

[GENNS04]

**Essential Energy**

1. A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is required to be issued by Essential Energy with respect to the land the subject of the development proposal, prior to Occupation of the building. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions.
2. 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).
3. 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*.

[GENNS05]

1. Section 7.11 Contributions

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

Construction works shall NOT commence unless all Section 7.11 Contributions have been paid to Council and a verified "Contribution Sheet" has been signed by an authorised officer of Council.

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

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

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

* 1. Open Space (Casual):

23.6659 ET @ $659 per ET $15,596

($502 base rate + $157 indexation)

CP Plan No. 5

* 1. Open Space (Structured):

23.6659 ET @ $754 per ET $17,844

($575 base rate + $179 indexation)

CP Plan No. 5

* 1. Community Facilities (Tweed Coast - North)

23.6659 ET @ $1624 per ET $38,433

($1,305.60 base rate + $318.40 indexation)

CP Plan No. 15

* 1. Regional Open Space (Casual)

23.6659 ET @ $1282 per ET $30,340

($1,031 base rate + $251 indexation)

CP Plan No. 26

* 1. Regional Open Space (Structured):

23.6659 ET @ $4500 per ET $106,497

($3,619 base rate + $881 indexation)

CP Plan No. 26

1. 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.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with stormwater plans for Council's records.

[PCC0485]

1. Details from a Structural Engineer are to be submitted to the NSW Land and Housing Corporation and Council for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to construction.

[PCC0935]

1. Permanent stormwater quality treatment shall be provided in accordance with the following:
   1. The Construction Plans shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.B2 of Councils *Development Design Specification D7 - Stormwater Quality*.
   2. Permanent stormwater quality treatment shall comply with Councils *Development Design Specification D7 - Stormwater Quality*.
   3. The stormwater and site works shall incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.

[PCC1105]

1. Erosion and Sediment Control shall be provided in accordance with the following:
   1. Construction plans must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality* must be approved by the NSW Land and Housing Corporation and copies submitted to Council. *.*
   2. Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”.

[PCC1155]

1. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by on site stormwater detention (OSD) utilising above and or below ground storage. OSD to be provided in accordance with Northrop's Concept Stormwater Management Plan revision B, dated 29 July 2019.

[PCC1165]

1. Medium density/integrated developments, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

**Note:**  The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCC1185]

1. The Applicant shall locate the existing sewer junctions on both lots for proposed development. The sewer junction connection location shall be confirmed by Council’s Water & Wastewater Unit prior to the commencement of any such works.

[PCCNS02]

1. Prior to Construction, plans shall be provided to the NSW Land and Housing Corporation and Council to demonstrate that the proposed structure meets the Tweed Shire Council Development Design Specification D15 - Work in Proximity. Plans shall show that the existing footings are located a minimum of one metre from the sewer and footings located below the sewer zone of influence. Construction works shall NOT be approved/issued by the NSW Land and Housing Corporation unless the NSW Land and Housing Corporation has sighted written approval from the Water Authority signed by an authorised officer.

[PCCNS02]

1. Prior to the commencement of construction works a final detailed plan of landscaping is to be submitted by the applicant to the Council's General Manager or delegate. The detailed plan of landscaping must meet 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.

[PCCNS03]

**PRIOR TO COMMENCEMENT OF WORK**

1. 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 owner advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

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. 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.

[PCW0985]

1. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Notification shall be made to Tweed Shire Council and include the payment of any service fees in accordance with Councils adopted fees and charges prior to commencing any building works.

[PCW1135]

1. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:
   1. Vehicular access
   2. The driveway is to be splayed from the property boundary to a width of 9.0m at the kerb.
   3. 1.2m wide concrete footpath

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

· Road works/furnishings

· Stormwater drainage

· Sediment and erosion control plans

· Location of all services/conduits

· Traffic Control Plan (as applicable)

PCWNS01

1. Prior to commencement of works a Dewatering Management Plan shall be prepared by a suitably qualified person in accordance with Council;s specifications and submitted to the General Manager or his delegate. All work shall comply with the approved Acid Sulfate Soil Management Plan.

[PCWNS05]

**DURING CONSTRUCTION**

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

[DUR0005]

1. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

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. The provision of a minimum 32 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

1. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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.

[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.

[DUR0395]

1. 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. Excavation
   1. All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
   2. All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

1. If the work involved in the erection of a building:

(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the SafeWork NSW Code of Practice and relevant Australian Standards.

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.

Any such hoarding, fence or awning is to be removed prior to the occupation of the development.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

1. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the notice and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

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

[DUR0905]

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. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

1. All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared for Lot 3 Sec 4 DP 2379; No. 33 Boyd Street TWEED HEADS; Lot 4 Sec 4 DP 2379; No. 35 Boyd Street TWEED HEADS.

[DUR1065]

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. A concrete footpath 1.2 metres wide is to be constructed on a compacted base along the entire frontage of the site to Boyd in accordance with Council’s Development Design and Construction Specifications and Standard Drawing SD013.

24 hours notice is to be given to Council's Development Engineering / Roads and Stormwater Unit before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

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

[DUR1795]

1. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired by the Building Contractor in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

1. 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.

[DUR1905]

1. The building contractor 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 to ensure no material is capable of being washed or blown from the site.

[DUR2185]

1. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

1. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his 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. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

1. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

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

[DUR2535]

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:-

\* 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. The structure is to be sited at least one metre horizontally clear of any public sewer main on site, unless accepted otherwise by Council. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the The NSW Land and Housing Corporation and Council that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main.

[DUR2645]

1. The Applicant shall submit the appropriate ‘Application for Water Service Connection’ form to Council’s Water Unit to facilitate a bulk property service water connection, from the existing water main in Boyd Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

1. Works in the vicinity of public infrastructure must comply with the following requirements;

a) No portion of any structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.

[DURNS01]

1. The development shall be carried out in accordance with the recommendations from the Noise Level Impact Assessment - developed by Craig Hill Acoustics for 33-35 Boyd Street Tweed Heads.

[DURNS02]

**PRIOR TO OCCUPATION**

1. Prior to occupation of the building adequate proof and/or documentation is to be submitted to the NSW Land and Housing Corporation to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

1. Prior to Occupation of the building, the applicant shall produce a copy of the “Satisfactory Inspection Report” issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

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

[POC0755]

1. The lots are to be consolidated into one lot under one title. The plan of consolidation shall be registered with NSW Land Registry Services (formerly Land and Property Information (LPI)), prior to occupation of the building.

[POC0855]

1. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to occupation of the building.

[POC0865]

1. Prior to the occupation or use of any building and prior to occupation a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

1. Prior to the Occupation of the building all conditions of consent are to be met.

[POC1055]

1. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer is required (at the Developer’s expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO’s Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services.

POCNS02

1. Prior to occupation of the building the developer shall pay to the Council Section 64 Water and Wastewater Development Contributions an equivalent amount in dollar value to the upgrade of Council water and wastewater infrastructure.

[POCNS03]

**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. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary in accordance with Council specifications such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

1. All externally mounted artificial lighting, including security lighting, is to be shielded in accordance with Council's specifications where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

1. Landscaping must be maintained at all times.

[USENS01]