

## General Conditions

1.

1.

This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.

2.

It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—

a.

protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

b.

if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3.

This section does not apply if—

a.

the person having the benefit of the development consent owns the adjoining land, or

b.

the owner of the adjoining land gives written consent to the condition not applying.

Condition reason:

Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

2.

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
DA-100-004	G	Site Plan	Turner	02.04.25
DA-110-002	H	GA Plans Basement 03	Turner	02.04.25
DA-110-003	H	GA Plans Basement 02	Turner	02.04.25
DA-110-004	H	GA Plans Basement 01	Turner	02.04.25
DA-110-009	H	GA Plans Ground Level	Turner	02.04.25

DA-110-010	G	GA Plans Level 01	Turner	02.04.25
DA-110-020	G	GA Plans Level 02	Turner	02.04.25
DA-110-030	G	GA Plans Level 03	Turner	02.04.25
DA-110-040	G	GA Plans Level 04	Turner	02.04.25
DA-110-050	G	GA Plans Level 05	Turner	02.04.25
DA-110-060	G	GA Plans Level 06	Turner	02.04.25
DA-110-070	G	GA Plans Level 07-09	Turner	02.04.25
DA-110-100	G	GA Plans Level 10	Turner	02.04.25
DA-110-110	G	GA Plans Level 11-12	Turner	02.04.25
DA-110-130	G	GA Plans Level 13	Turner	02.04.25
DA-110-140	G	GA Plans Roof Level	Turner	02.04.25
DA-210-101	H	GA Plans Elevations North-East Elevation	Turner	02.04.25
DA-210-201	H	GA Plans Elevations South-East Elevation	Turner	02.04.25
DA-210-301	H	GA Plans Elevations South-West Elevation	Turner	02.04.25
DA-210-401	H	GA Plans Elevations West Elevation	Turner	02.04.25
DA-310-101	H	GA Sections Section AA	Turner	02.04.25
DA-310-201	H	GA Sections Section BB	Turner	02.04.25

DA-310-301	H	GA Sections Section CC	Turner	02.04.25
DA-890-001	G	Materials & Finishes Board	Turner	02.04.25

Approved documents			
Document title	Version number	Prepared by	Date of document
Statement of Environmenal Effects	N/A	Sutherland & Associates Planning	24 May 2024
Letter subject: Development Application DA24/0196 - 3-7 River Terrace, Tweed Heads	N/A	Sutherland & Associates Planning	15 April 2025

In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3.

**BCA compliance**

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

**Condition reason:** To ensure that the applicant is aware that the development consent does not automatically comply with the provisions set by the Building Code of Australia.

4.

**Building position**

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

**Condition reason:** To ensure buildings are sited and positioned in the approved location.

5.	<b>Vegetation Management</b>
	Vegetation management to facilitate the approved development must be limited to that shown on the Arborists Report & Impact Assessment by TPZ Project Arborists dated 31 January 2024 and a Construction Certificate is required before vegetation management works are undertaken, unless otherwise approved by Council's General Manager or their delegate.
	<b>Condition reason:</b> To avoid and minimise impacts to the environment and satisfy objectives and controls of Tweed DCP Section A16.
6.	<b>Dewatering controls in place – Environmental Health</b>
	The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.
	<b>Condition reason:</b> To protect the amenity of the local area.
7.	<b>Dewatering controls in place – Stormwater</b>
	Prior to the commencement of dewatering operations, the applicant or their nominated representative shall consult with Council's Roads and Stormwater Unit in respect to the most appropriate method of connection of the dewatering system to Council's stormwater drainage system. The applicant or their nominated representative shall comply with any and all directions as may be provided by Council's Roads and Stormwater Unit.
	<b>Condition reason:</b> To protect local services.
8.	<b>Red Imported Fire Ants</b>
	<p>The importation of any of the following fire ant carrier material from invasive ant biosecurity zones must be in accordance with the current NSW Biosecurity orders available at <a href="http://www.dpi.nsw.gov.au">www.dpi.nsw.gov.au</a> and meet the requirements of NSW Department of Primary Industries:</p> <ul style="list-style-type: none"> <li>• organic mulch, compost, growing media, manure, soil and anything with soil on it, hay, chaff, or silage;</li> <li>• potted plants;</li> <li>• turf;</li> <li>• agricultural equipment or earth-moving equipment;</li> <li>• mining and quarrying materials;</li> <li>• grass;</li> <li>• vegetation and clippings; or</li> <li>• other fire ant carrier material identified within the order.</li> </ul>

	<p>Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with the relevant form and/or certificate as identified within the order. All material shall meet the requirements of the relevant form/certificate.</p> <p>It is an offence under the Biosecurity Act 2015 if this material comes from within 5 kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the order.</p> <p><b>Condition reason:</b> To protect the amenity of the local area.</p>
9.	<p><b>Essential Energy Advice</b></p> <p>Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:</p> <ul style="list-style-type: none"> <li>As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 4M from the NEAREST part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. LOW VOLTAGE OVERHEAD MAINS THAT RUN ALONG RIVER TERRACE. Note : This development has lodged a DIP (Development Information Plan) with essential energy and would be satisfied to approve this DA provided ECN-113546 is completed before construction begins.</li> <li>It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a <a href="#">Request for Safety Advice</a> if works cannot maintain the safe working clearances set out in the <a href="#">Working Near Overhead Powerlines Code of Practice</a>, or <a href="#">CEOP8041 - Work Near Essential Energy's Underground Assets</a>.</li> </ul> <p>Information relating to developments near electrical infrastructure is available on our website <a href="#">Development Applications (essentialenergy.com.au)</a>. If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website <a href="#">Encroachments (essentialenergy.com.au)</a> and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: <a href="https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply">https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply</a> Applicants are advised that fees and charges will apply where Essential Energy provides this service.</p> <p>Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.</p>

	<p>Essential Energy makes the following general comments:</p> <ul style="list-style-type: none"> <li>• If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;</li> <li>• Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</li> <li>• 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 Easements and Close to Infrastructure;</li> <li>• 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app <a href="https://essentialenergy.com.au/lookupandlive">essentialenergy.com.au/lookupandlive</a>.</li> </ul> <p><b>Condition reason:</b> To ensure safety in relation to electrical infrastructure.</p>
10.	<p><b>Design Review Panel - Construction in accordance with Approved Design</b></p> <p>The buildings and interface wall are to be constructed in accordance with the design presented in the approved plans unless otherwise approved by Council's General Manager or delegate.</p> <p><b>Condition reason:</b> To ensure the design is constructed as approved by the Design Review Panel subject to minor amendments.</p>
11.	<p><b>Maintenance of Structures and Associated Landscaping in Road Reserve Area</b></p> <p>In accordance with s142 of the <i>Roads Act 1993</i>, the maintenance of all structures in the road reserve area that form part of this development is the responsibility of the person who has the benefit of the structures, being the owner or occupants of the adjoining premises, not Council. This includes the maintenance and upkeep of green awnings and planter boxes and plants contained therein.</p> <p><b>Condition reason:</b> To ensure the amenity impacts of the development are mitigated and appropriately maintained by the occupants or owner benefitting the development and do not become a public burden.</p>
12.	<p><b>Speed Hump - Internal</b></p> <p>A speed hump (75mm height, 3m length, 500mm wide) is to be installed with appropriate internal warning signage, within the property approximately 2m from Monastery Lane for vehicles egressing the residential vehicle access.</p> <p><b>Condition reason:</b> To ensure speed is controlled for vehicles egressing the residential vehicle access.</p>
13.	<p><b>Basement compliance with AS2890</b></p>

	<p>The basement levels must be compliant with AS2890.</p> <p><b>Condition reason:</b> To ensure compliance with relevant requirements of AS2890.</p>
14.	<p><b>Provision of Car Parking</b></p> <p>The developer shall provide 96 car parking spaces, including parking for the disabled, in accordance with the Tweed Development Control Plan 2008 and Apartment Design Guide (as applicable).</p> <p>Full design detail of the proposed parking and manoeuvring areas shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for Building Works.</p> <p><b>Condition reason:</b> To ensure parking is provided in accordance with the relevant requirements.</p>
15.	<p><b>General D15 requirements to be reinforced</b></p> <p>Works in the vicinity of public infrastructure must comply with the following requirements:</p> <ul style="list-style-type: none"> <li>• No portion of any habitable 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.</li> <li>• Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability.</li> <li>• Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metre horizontally clear of sewer main.</li> </ul> <p><b>Condition reason:</b> To ensure Council's Development Design Specification D15 is complied with.</p>
16.	<p><b>Non-Residential site discharging pollutants differing from domestic waste</b></p> <p>Prior to wastewater containing pollutants differing from domestic sewage is discharged to the sewerage system, a Liquid Trade Waste Application shall be submitted and approved by Council.</p> <p><b>Condition reason:</b> To regulate wastewater discharge into sewerage systems for non-residential sites discharging pollutants differing from domestic waste.</p>
17.	<p><b>Protection of existing public infrastructure</b></p>

	<p>Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.</p> <p><b>Condition reason:</b> To ensure existing public utilities within or adjacent to the site are located, protected or adjusted accordingly.</p>
18.	<p><b>Civil Engineering infrastructure design report only preliminary</b></p> <p>The proposed Sewer and/or Water Civil Engineering report is considered to be preliminary.</p> <p>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 &amp; Construction Specifications to the satisfaction of the General Manager or respective Delegate.</p> <p><b>Condition reason:</b> To ensure an application is submitted in accordance with relevant assessment requirements.</p>
19.	<p><b>Referral agency comments/GTA conditions</b></p> <p>Refer to the attached General Terms of Approval from Water NSW.</p> <p><b>Condition reason:</b> To ensure compliance with relevant agency requirements</p>
20.	<p><b>Development Design and Construction Specifications</b></p> <p>The development is to be carried out in accordance with Council's Development Design and Construction Specifications.</p> <p><b>Condition reason:</b> To ensure the development meets the requirements set out in Council's Development Design and Construction Specifications.</p>
21.	<p><b>Waste Management (fill and spoil)</b></p> <p>All waste material removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• All fill material imported to the site must be: <ul style="list-style-type: none"> <li>○ Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, and/or</li> <li>○ A material identified as being subject to a resource recovery exemption by the NSW EPA.</li> </ul> </li> </ul>



	<p>All VENM or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifier or Council on request.</p> <p><b>Condition reason:</b> To ensure waste is not contaminated and is safe for future occupants.</p>
22.	<p><b>Service Vehicles - Limitation and Forward Movement</b></p> <p>A vehicle no larger than a standard Medium Rigid Vehicle as defined in the latest version of AS 2890 Parking Facilities - Off-Street Commercial Vehicle Facilities (not exceeding 8.8m in length) shall service the site, unless approved otherwise by Council's General Manager or delegate.</p> <p>All vehicles utilising the Service / Loading area must ingress and egress in a forward manner.</p> <p><b>Condition reason:</b> To ensure safe ingress and egress of service vehicles into the Service / Loading area.</p>
23.	<p><b>Technical Surveillance</b></p> <p>Technical surveillance is to be provided to the areas of the site not visible from the street. A revised plan detailing the technical surveillance is to be submitted for approval to Council's General Manager or delegate's satisfaction.</p> <p><b>Condition reason:</b> To ensure technical surveillance is provided.</p>
24.	<p><b>Access Control</b></p> <p>Access control measures are to be provided as follows:</p> <ol style="list-style-type: none"> <li>1. secure electronic access is to be provided to all residential exclusive areas; and</li> <li>2. an audio/visual intercom system is to be provided for the residential units.</li> </ol> <p><b>Condition reason:</b> To ensure access control measures are implemented.</p>
25.	<p><b>Detailed lighting design</b></p> <p>A detailed lighting design prepared by a suitably qualified consultant is to be submitted to the principal certifier or Council. The plan must include:</p> <ol style="list-style-type: none"> <li>1. Identification of any blind corners or dark alcoves that may provide concealment opportunities in accessways, stairwells, hallways and carparks; and</li> <li>2. Under awning lighting (recessed into the soffit of the awning or wall-mounted) to facilitate night use and to improve public safety.</li> </ol> <p>Lighting is to be provided in accordance with the approved plan and these conditions of consent.</p> <p><b>Condition reason:</b> To ensure lighting is provided in accordance with a detailed lighting design.</p>

26.	<b>Separate consent requirement for signage</b>
	Any additional advertising structures/signs including signs for the retail uses are to be the subject of a separate development application (where statutorily required).
	<b>Condition reason:</b> To ensure approval is obtained for relevant signage.
27.	<b>Durable and non-slip materials</b>
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.
	<b>Condition reason:</b> To ensure safe materials are used for trafficked areas.
28.	<b>Mailbox Size and Security</b>
	All mailboxes are to be secure and large enough to accommodate articles such as newspapers.
	<b>Condition reason:</b> To minimise risk of mail delivery amenity impacts.
29.	<b>Master Antenna</b>
	A master antenna must be provided. The antenna must be sited to minimise its visibility from surrounding public areas.
	<b>Condition reason:</b> To ensure a master antenna is provided and visual impact is minimised.
30.	<b>Energy Efficiency and Conservation</b>
	Unless otherwise agreed by Council's General Manager or delegate, energy efficiency measures are to be included as follows:
	<ol style="list-style-type: none"> <li>1. All non-residential development Classes 5-9 must comply with the Building Code of Australia energy efficiency provisions;</li> <li>2. Mechanical space cooling is to be achieved by designing cooling systems to target only those spaces which required cooling;</li> <li>3. Hot water efficiency is to be achieved by insulating hot water systems and installing water saving devices subject to the requirements of the relevant BASIX certificate;</li> <li>4. All water fixtures and water efficiencies are to be rated and designed in accordance with Section B2 of the Tweed Development Control Plan 2008 or better;</li> <li>5.</li> </ol>
	<b>Condition reason:</b> To ensure energy efficiency measures are provided.
31.	<b>Way-finding Maps</b>
	'Way finding' maps are to be provided to the principal certifiers or Council's satisfaction.

	<b>Condition reason:</b> To ensure way-finding maps are provided.
32.	<b>Ventilation - Openable windows to courtyards</b>
	Windows to internal entry courtyards must be openable.
	<b>Condition reason:</b> To support the provision of adequate ventilation.
33.	<b>Wardrobes - ADG requirements</b>
	Wardrobes are to be provided to bedrooms in accordance with the dimensions required by the Apartment Design Guide (unless otherwise agreed by Council's General Manager or delegate).
	<b>Condition reason:</b> To ensure wardrobes are provided with dimensions required by the ADG.
34.	<b>Remedial Works and Validation</b>
	On completion of remediation and validation works, and prior to commencement of construction works, a site remediation and validation report, and where required Environmental Management Plan, prepared by a suitably qualified environmental consultant in accordance with NSW Environment Protection Authority (EPA) contaminated land statutory guidelines shall be submitted to the satisfaction of Council's General Manager or delegate, and where required a NSW EPA Accredited Site Auditor, confirming that the site is suitable for the proposed use. The report must be accompanied by the Contamination Report Summary Table available at <a href="https://www.tweed.nsw.gov.au/ContaminatedLand">https://www.tweed.nsw.gov.au/ContaminatedLand</a> .
	<b>Condition reason:</b> To ensure the site is suitable for the proposed land use and is safe for future occupants
35.	<b>Unexpected Finds – Contaminated Land</b>
	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.
	<b>Condition reason:</b> To ensure unexpected finds are managed appropriately to protect health and safety.
36.	<b>Remedial Works and Validation (Report Compliance)</b>
	All remediation and validation works are to be carried out in accordance with the Remedial Action Plan for Briscoe & S.L. McMaster at 3-7 River Terrace, Tweed Heads prepared by Range Environmental Consultant dated 1/04/25 (Report No: J002311), NSW Environment

	Protection Authority (EPA) contaminated land statutory guidelines, and where required Interim Site Audit Advice. Any variation to the proposed remediation strategy shall be approved in writing by Council's General Manager or delegate, and where required a NSW EPA Accredited Site Auditor, prior to the commencement of such work.
	<b>Condition reason:</b> To ensure compliance with the approved Remedial Action Plan and regulatory requirements.

## Building Work

### Before issue of a Construction Certificate

37.	<b>Construction Site Management Plan</b>
	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier or Council (where a certifier is not required). The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>a. The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b. Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies);</li> <li>c. Provisions for public safety;</li> <li>d. Pedestrian and vehicular site access points and construction activity zones;</li> <li>e. Details of construction traffic management including: <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimated frequency of truck movements; and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ul> </li> <li>f. Details of bulk earthworks to be carried out;</li> <li>g. The location of site storage areas and sheds;</li> <li>h. The equipment used to carry out works;</li> <li>i. The location of a garbage container with a tight-fitting lid;</li> <li>j. Dust, noise and vibration control measures;</li> <li>k. Details of chemical storage and management;</li> <li>l. The location of temporary toilets;</li> <li>m. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> <li>i. AS 4970 – Protection of trees on development sites;</li> <li>ii. An applicable Development Control Plan;</li> <li>iii. An arborist's report approved as part of this consent</li> </ul> </li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>
	<b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

38.	<b>External lighting</b>
	<p>Before the issue of a Construction Certificate, plans detailing external lighting must be prepared by a suitably qualified person and submitted to the private certifier or Council (where a certifier is not required).</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> <li>1. comply with AS 1158: Lighting for Roads and Public Spaces;</li> <li>2. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting</li> <li>3. lighting must be placed at all entrances to, and exits from the premises</li> <li>4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>5. lighting must not interfere with traffic safety;</li> <li>6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and</li> <li>7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.</li> </ol> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p> <p><b>Condition reason:</b> To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p>
39.	<b>Waste Management Plan requirements</b>
	<p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the principal certifier or Council (where a certifier is not required). The plan must be prepared:</p> <ol style="list-style-type: none"> <li>a. in accordance with <ol style="list-style-type: none"> <li>i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and</li> <li>ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and</li> </ol> </li> <li>b. include the following information— <ol style="list-style-type: none"> <li>i. the name and contact details of who is responsible for the plan and management of the waste onsite,</li> <li>ii. the name and contact details of the person(s) removing waste,</li> <li>iii. a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced,</li> <li>iv. how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill,</li> <li>v. where any onsite management of waste will occur, such as for consolidation and collection,</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>vi. how each waste type will be characterised and classified for waste management and transport,</li> <li>vii. where each waste type is intended to be transported for disposal or other fate,</li> <li>viii. how the quantity of each waste type will be measured and recorded,</li> <li>ix. how each waste movement will be tracked,</li> <li>x. contingencies including to managing unexpected finds, such as asbestos.</li> </ul> <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p><b>Condition reason:</b> To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works.</p>
40.	<p><b>Geotechnical Certification</b></p> <p>A report from a suitably accredited Geotechnical Engineer is to be submitted to the Certifier (Council or a Registered Certifier) for assessment and approval which details recommendations in respect stormwater disposal, structural design, and certifying that the foundation material and the site are capable of supporting the development and associated works given the site conditions/topography of the area.</p> <p>Before the issue of the Construction Certificate Structural Engineers details in accordance with the recommendations of approved Geotechnical Engineers report are to be submitted to the Certifier (Council or a Registered Certifier) for assessment and approval.</p> <p><b>Condition reason:</b> To address geotechnical stability issues and surface water runoff of a site.</p>
41.	<p><b>Geotechnical Engineering Report</b></p> <p>The building elements are to be designed by a practising Structural Engineer after consideration of geotechnical engineering report and shall be submitted to and approved by the Certifier (Council or a Registered Certifier) before the issue of a Construction Certificate.</p> <p><b>Condition reason:</b> To ensure the structural design of the foundation/floor system has been designed according to the soil characteristic of the site.</p>
42.	<p><b>Long Service Levy Payments</b></p> <p>In accordance with Section 6.14 of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for building works shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Long Service Levy payments should be paid directly through Service NSW, but Council is an</p>

	<p>authorised agent to accept payment directly. Where payment has been made elsewhere, proof of payment is to be provided.</p> <p><b>Condition reason:</b> To ensure the long service levy is paid.</p>
43.	<p><b>S68 Application to be Lodged Prior to Issue of CC</b></p> <p>Before the issue of a Construction Certificate, a Section 68 application shall be submitted together with any prescribed fees (including inspection fees) and approved by Council for works that involve any of the following:</p> <ul style="list-style-type: none"> <li>Any water, sewerage, on site sewerage management system, or stormwater drainage works;</li> <li>Installation of stormwater treatment and quality control devices;</li> <li>Erosion and sediment control works; and</li> </ul> <p>Any works that is likely to disturb or impact upon water, sewer or drainage infrastructure (e.g., extending, relocating or lowering of pipeline)</p> <p><b>Condition reason:</b> To ensure regulatory approval is obtained for Water, sewerage, stormwater drainage, sediment and erosion control works.</p>
44.	<p><b>Certificate of adequacy – Basement Shoring</b></p> <p>Before the issue of any Construction Certificate, the certifier (Council or a Registered Certifier) is to be provided with a certificate of adequacy of design, signed by a practicing Structural Engineer on all proposed basement excavation, shoring design and retaining walls. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by any relevant assessments including but not limited to any Geotechnical or Groundwater investigations or assessment recommended in the Preliminary Geotechnical Investigation prepared by Soil Surveys Engineering Pty Ltd and dated 7 February 2024.</p> <p><b>Condition reason:</b> To ensure basement shoring has been designed to an appropriate standard.</p>
45.	<p><b>Landscaping</b></p> <p>A Detailed Plan of Landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate. The detailed plan of landscaping shall be generally consistent with the Landscape Plan Revision B prepared by Turner dated April 2025 and meet the following plant selection criteria:</p> <ol style="list-style-type: none"> <li>A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.</li> <li>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).</li> </ol>

	<p>3. No noxious or environmental weed species.</p> <p>The Detailed Plan of Landscaping is also to demonstrate:</p> <ol style="list-style-type: none"> <li>1. revised soil depths and planting for the proposed feature tree; and</li> <li>2. irrigation for the whole of landscaped development.</li> </ol> <p>Note: “Locally occurring Australian native species” refers to plants that occurred within the Tweed Shire local government area prior to European settlement and does not include nursery cultivars of such species. Refer to the Tweed Shire Native Species Planting Guide for the complete list.</p> <p><b>Condition reason:</b> To compensate for the loss of mature locally occurring Australian native trees and minimise the impact on the ecological environment within the Coastal Environment Area.</p>
46.	<p><b>Fauna management</b></p> <p>Prior to issue of construction certified a Bush Stone-curlew (<i>Burhinus grallarius</i>) management plan shall be prepared and submitted for approval by Council’s General Manager or their delegate which details suitable best practice avoidance and mitigation measures having regard for the Recovery Plan for the Bush Stone–curlew (<i>Burhinus grallarius</i>) dated February 2006 prepared by NSW DEC.</p> <p><b>Condition reason:</b> To ensure protection of Bush Stone-curlew listed as Endangered under the NSW Biodiversity Conservation Act 2016.</p>
47.	<p><b>Approval of Fitout – Food and Drink Premises</b></p> <p>Before the issue of the 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:</p> <ul style="list-style-type: none"> <li>• Floor plan and elevations;</li> <li>• Layout of kitchen, bar and all equipment;</li> <li>• All internal finish details including floors, wall, ceiling and lighting;</li> <li>• Hydraulic design and /or method of disposal of trade waste; and</li> </ul> <p>Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 &amp; 2 where required.</p> <p><b>Condition reason:</b> To ensure detailed construction and fit-out plans are submitted which comply with the relevant standards.</p>
48.	<p><b>Managing Noise With Acoustic Treatment (Design Compliance)</b></p>



	<p>The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments comply with the requirements of the approved environmental noise impact reports. 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.</p> <p>The review should take into consideration any noise mitigation measures provided within the Noise Impact Assessment prepared by Pulse White Noise Acoustics dated 17 February 2025 (Reference: 240050 – 3-7 River Terrace, Tweed Heads, Noise Impact Assessment – R1.</p> <p><b>Condition reason:</b> To ensure compliance with the approved acoustic report and protect amenity of occupants.</p>
49.	<p><b>Preparation of mechanical ventilation plans</b></p> <p>Before 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:</p> <ul style="list-style-type: none"> <li>• Australian Standard 1668: - The use of ventilation and air-conditioning in buildings; and</li> <li>• ensure all generated heated air, smoke, fumes, steam or grease vapours do not: <ul style="list-style-type: none"> <li>○ cause a nuisance to persons within or nearby to the premises, or</li> <li>○ cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.</li> </ul> </li> </ul> <p><b>Condition reason:</b> To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a Construction Certificate.</p>
50.	<p><b>Submission of Construction Environmental Management Plan (CEMP)</b></p> <p>Before the issue of a Construction Certificate for each stage of the project, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Certifier (Council or a Registered Certifier). The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:</p> <ul style="list-style-type: none"> <li>• Hours of work;</li> <li>• Contact details of site manager;</li> <li>• Traffic and pedestrian management;</li> <li>• Noise and vibration management;</li> <li>• Construction waste management;</li> <li>• Erosion and sediment control; and,</li> <li>• Flora and fauna management.</li> </ul>

	<p>Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Certifier (Council or a Registered Certifier), stage the submission of the Construction Environmental Management Plan (CEMP) consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.</p> <p><b>Condition reason:</b> To ensure an appropriate Construction Environmental Management Plan (CEMP) is prepared and submitted to Council for endorsement.</p>
51.	<p><b>Preparation of Dewatering Management Plan</b></p> <p>Prior to the Construction Certificate being issued the applicant is to engage a suitably qualified Groundwater Consultant to provide a Detailed Groundwater Investigation Report.</p> <p>Where groundwater will be intercepted, a Dewatering Management Plan shall be submitted to the satisfaction of the Council's General Manager or delegate that:</p> <ol style="list-style-type: none"> <li>1. Considers the Acid Sulfate Soil Investigation, December 2023, 3-7 River Terrance, Tweed Heads, prepared by Soil Surveys (reference: Project No. 2-15539) (the 'ASSI');</li> <li>2. Considers Council's Dewatering in the Tweed Guideline available at <a href="https://www.tweed.nsw.gov.au/Documents/Planning/TSC12355_Dewatering_in_the_Tweed_Guideline.pdf">https://www.tweed.nsw.gov.au/Documents/Planning/TSC12355_Dewatering_in_the_Tweed_Guideline.pdf</a>;</li> <li>3. Meets the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) available at <a href="http://www.waterquality.gov.au/anz-guidelines">www.waterquality.gov.au/anz-guidelines</a>;</li> <li>4. Includes site plans which indicate the extent of the excavation area and estimated zone of influence of the dewatering activity relative to any adjoining buildings together with an assessment of any impacts likely to occur to any adjoining buildings as a result of the dewatering activities;</li> <li>5. Details on the site plan the location of the area that will be utilised for the positioning of any treatment tank or sedimentation pond on the site including any reserve area to be used for such purpose in the event of the need for additional treatment facilities to be incorporated on the site;</li> <li>6. Details the proposed method of mechanical aeration to be used in the event that it is necessary to aerate the groundwater to achieve an acceptable Dissolved Oxygen level prior to the offsite discharge of groundwater and where this will be incorporated on the site;</li> <li>7. Includes written advice from the operator of any on site groundwater treatment system stating that the system to be used will be able to treat the groundwater to the required treatment level prior to discharge. Note: Particular attention is to be given to achieving the required detention times prior to discharge of the groundwater. Advice that the system is simply capable of achieving the necessary treatment will not be acceptable; and</li> <li>8. Considers any site investigation reports for Contamination.</li> </ol>

	<b>Condition reason:</b> To ensure the dewatering management plan is submitted for assessment by Council.
52.	<p><b>Preparation of Noise Impact Assessment Report</b></p> <p>Prior to the Construction Certificate being issued, a noise assessment report from a suitably qualified acoustic consultant shall be prepared and submitted to the satisfaction of Council's General Manager or delegate in respect to noise likely to be generated by the activities associated with the development.</p> <p>The report should include the following information:</p> <ul style="list-style-type: none"> <li>• All noise associated with the development application (outdoor and indoor), cumulative noise impacts associated with current uses, mechanical plant and equipment, noise associated with patrons and crowds (including outdoor dining), noise from communal recreation areas, vehicle parking areas, deliveries and servicing (loading dock), and waste storage and collections areas, and any other potential activities/sources. The report shall outline hours of operation, and measures to minimise and mitigate potential noise impacts on surrounding occupiers of land, and on future residents within the development.</li> <li>• All quantitative information and data demonstrating that predicted noise levels generated by the development will comply with project noise trigger levels at sensitive receivers.</li> </ul> <p>The report should take into consideration any noise mitigation measures provided within Noise Impact Assessment prepared by Pulse White Noise Acoustics dated 17 February 2025 (Reference: 240050 – 3-7 River Terrace, Tweed Heads, Noise Impact Assessment – R1.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
53.	<p><b>Preparation of Construction Noise and Vibration Management Plan</b></p> <p>Prior to the Construction Certificate being issued, a Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified acoustic consultant in accordance with NSW EPA guidelines and Australian Standards. The CNVMP shall include, but not be limited to, identification of noise sensitive receivers, consideration of noise and vibration sources and activities associated with the development including duration, frequency, and respite periods, hours of operation, community consultation, complaint management, and outline measures to minimise and mitigate potential noise and vibration impacts to surrounding occupiers of land.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
54.	<p><b>Mechanical Ventilation</b></p> <p>Prior to Construction Certificate being issued, the applicant shall demonstrate that suitable vertical service access/voids for mechanical ventilation ducting and equipment has been provided for the development in accordance with AS1668.2.</p>

	<b>Condition reason:</b> To ensure compliance with relevant standards.
55.	<p><b>Streetscape Works Plan</b></p> <p>Before the issue of a Construction Certificate, a Streetscape Works Plan is required to be submitted for approval by Council's Parks and Active Communities Unit, detailing:</p> <ul style="list-style-type: none"> <li>• the extent of works required to tie into existing streetscaping detailing existing and proposed levels;</li> <li>• proposed materials and detailed specifications in accordance with Council's Construction Specifications and Standard Drawings;</li> <li>• existing and proposed street trees and other plantings comprising 100% local native species;</li> <li>• additional street trees to maximise natural shade in the public domain.</li> <li>• the extent of works required to tie into existing infrastructure and services, and</li> <li>• provide continuous and legible pedestrian access that complies with AS1428.</li> </ul> <p>The approved Streetscape Works Plans are to form part of the s138 application.</p> <p><b>Condition reason:</b> To ensure landscaping and public infrastructure is compliant and constructed to Council's standards.</p>
56.	<p><b>Works in the Road Reserve</b></p> <p>Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve.</p> <p>Application shall include (but not limited to) engineering plans and specifications (including any relevant compliance certificates relied upon) undertaken in accordance with Council's Development Design and Construction Specifications for the following required works:</p> <ul style="list-style-type: none"> <li>• Vehicular access;</li> <li>• Landscaping and streetscaping works;</li> <li>• Installation of a rubber speed cushion (1.6m wide, 75mm height, 2m Length) on Monastery Lane south/east of the residents' vehicle access;</li> <li>• Road works/furnishings including but not limited to: <ul style="list-style-type: none"> <li>○ upgrading of Monastery Lane to provide a minimum 6.0m pavement and 1.5m concrete footpath (unless agreed otherwise by Council);</li> <li>○ construction of a new, vehicular access off Monastery Lane to access the proposed basement;</li> <li>○ construction of a new, vehicular access to service the proposed Holding / Service Area off Monastery Lane;</li> <li>○ upgrading of River Terrace (as required by Council);</li> </ul> </li> <li>• Stormwater drainage;</li> <li>• Water and sewerage works;</li> <li>• Sediment and erosion control (including plans);</li> <li>• Location of all services/conduits; and</li> <li>• Traffic Control Plan (as applicable).</li> </ul>

	<p><b>Condition reason:</b> To ensure works within the road reserve comply with s138 of the Roads Act 1993, relevant Australian Standards and Council's Design Specifications.</p>
57.	<p><b>Detailed Stormwater Management Plan (SWMP) for Permanent Stormwater Treatment</b></p> <p>Permanent stormwater quality treatment shall be provided in accordance with the following:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Permanent stormwater quality treatment shall comply with Council's Development Design Specification D7 - Stormwater Quality.</li> <li>• 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.</li> <li>• Specific requirements to be detailed within the Construction Certificate application include: <ul style="list-style-type: none"> <li>◦ 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.</li> <li>◦ 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.</li> </ul> </li> <li>• Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.</li> </ul> <p><b>Condition reason:</b> To ensure applicable Stormwater Management Plan (SWMP) for stormwater quality treatment is submitted with Construction Certificate application.</p>
58.	<p><b>Erosion and Sediment Control</b></p> <p>Erosion and Sediment Control shall be provided in accordance with the following:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with Tweed Shire Council Development Design</li> </ul>

	Specification D7 - Stormwater Quality and its Annexure A - Code of Practice for Soil and Water Management on Construction Works.
	<b>Condition reason:</b> To ensure sediment and erosion control is adequately addressed as per Council's standards prior to issue of the Construction Certificate.
59.	<b>Peak stormwater discharge limited to pre-development flow rates</b>
	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 flow rates. 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.
	<b>Condition reason:</b> To ensure stormwater is discharged in accordance with relevant controls.
60.	<b>Awnings - Minimum Clearance</b>
	Prior to issue of a Construction Certificate, revised plans must be submitted for approval to Council's General Manager or delegates satisfaction demonstrating: <ol style="list-style-type: none"> <li>1. a minimum clearance between the proposed awnings and the footpath of 2.5 metres measured vertically; and</li> <li>2. a minimum setback between the proposed awnings and back of kerb of 600mm measured horizontally.</li> </ol>
	<b>Condition reason:</b> To ensure minimum clearance for awnings is provided.
61.	<b>s305, s306 &amp; s307 Letter or Requirement/Certificate of Compliance</b>
	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.
	<b>Condition reason:</b> A Letter of Requirement OR Certificate of Compliance is required to capture developer contributions and/or s68 systems works that will be required for the proposed development prior to Construction Certificate issue.
62.	<b>Trade waste application required</b>
	In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic

	<p>sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.</p> <p><b>Condition reason:</b> To ensure discharge of wastewater is approved under a Trade Waste Agreement.</p>
63.	<p><b>Water servicing for developments containing more than four dwellings and medium density/integrated developments</b></p> <p>Medium density mixed-use developments with a combination of residential and non-residential development will be required to provide two bulk water services at the road frontage: one for the residential component of the development and one for the non-residential component of the development. Individual metering beyond this point shall be managed by occupants. Application for the bulk meters shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.</p> <p>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.</p> <p><b>Condition reason:</b> To ensure appropriate water service is provided to mixed-use developments consisting of both residential and non-residential uses.</p>
64.	<p><b>Sewer design calculations</b></p> <p>The applicant must provide the following documentation to Council's General Manager or delegate's satisfaction.</p> <ul style="list-style-type: none"> <li>Updated current quantification of design sewer loadings (including peak demands) to be generated by the development in accordance with TSC Development Design Specification D12 and the Fees and Charges Policy. Councils design standard D12 details that all design loadings are to be calculated from the predicted EP/ET.</li> </ul> <p><b>Condition reason:</b> To ensure adequate sewer design calculations are provided in accordance with relevant design specifications.</p>
65.	<p><b>Water design calculations</b></p> <p>The applicant must provide the following documentation to Council's General Manager or delegate's satisfaction:</p> <ul style="list-style-type: none"> <li>Updated current quantification of design water supply loadings (including peak demands) to be generated by the development in accordance with TSC Development Design Specification D11 and the Fees and Charges Policy.</li> </ul>

	Councils design standard D11 details that all design loadings are to be calculated from the predicted EP/ET.
	<b>Condition reason:</b> To ensure adequate water design calculations are provided in accordance with relevant design specifications.
66.	<b>Service arrangement location</b>  The applicant must provide an updated plan to Council's General Manager or delegate's satisfaction nominating a compliant location for the two bulk water meters and fire service on the property boundary. The plan must also show the nominated connection to council's network (one (1) single water service connection to the 150 mm main in Wharf Street). The proposed location is to be compliant with TSC's Development Design Specification D11 & D15 and is to be readily accessible 24 hours a day by Tweed Shire Council staff.  <b>Condition reason:</b> To ensure adequate service location arrangements are provided in accordance with relevant design specifications.
67.	<b>Connection Plan</b>  The applicant must provide a plan displaying all proposed connections to council's networks and proposed locations for meters to Council's General Manager or delegate's satisfaction. If works require realignment, any easements that will be required must also be shown.  <b>Condition reason:</b> To ensure a connection plan is provided for assessment.
68.	<b>Impact Upon Telecommunications Infrastructure</b>  If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier (Council or a Registered Certifier) before the issue of a Construction Certificate or any works commencing, whichever occurs first.  The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.  <b>Condition reason:</b> To ensure written confirmation from the service provider is provided if the development is likely to disturb or impact upon telecommunications infrastructure.
69.	<b>Minimum grading of fill</b>  Any site filling is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The development must at no time result in additional runoff or ponding occurring within neighbouring properties.  <b>Condition reason:</b> To ensure minimum grade of 1% is provided to all allotments, plus applicable drainage.



70.	<p><b>Impact upon telecommunications infrastructure</b></p> <p>If the development is likely to disturb or impact upon surrounding electrical supply authority infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier (Council or a Registered Certifier) before the issue of a Construction Certificate or any works commencing, whichever occurs first.</p> <p>The arrangements and costs associated with any adjustment to the surrounding electrical supply authority infrastructure shall be borne in full by the applicant/developer.</p> <p><b>Condition reason:</b> To ensure written confirmation from the service provider is provided if the development is likely to disturb or impact upon electrical infrastructure.</p>															
71.	<p><b>Section 7.11 Contributions</b></p> <p>Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.</p> <p>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.</p> <p><b>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT</b></p> <p>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.</p> <p>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.</p> <p>Note: All Section 7.11 Contribution payments are non-refundable.</p> <table><tr><td>a.</td><td>Contribution Plan No 4 - Tweed Road Contribution Plan:</td><td></td></tr><tr><td></td><td>261.3 trips @ \$1,177.18 per trip (\$815.00 base rate + \$362.18 indexation)</td><td>\$</td></tr><tr><td></td><td>CP04 Road Contributions (1-Tweed Heads)</td><td></td></tr><tr><td>b.</td><td>Contribution Plan No 5 - Local Open Space:</td><td></td></tr><tr><td></td><td>50.0417 ETs @ \$826.87 per ET (\$502.00 base rate + \$324.87 indexation)</td><td></td></tr></table>	a.	Contribution Plan No 4 - Tweed Road Contribution Plan:			261.3 trips @ \$1,177.18 per trip (\$815.00 base rate + \$362.18 indexation)	\$		CP04 Road Contributions (1-Tweed Heads)		b.	Contribution Plan No 5 - Local Open Space:			50.0417 ETs @ \$826.87 per ET (\$502.00 base rate + \$324.87 indexation)	
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		CP05 (Local OS) Casual Open Space		
	c.	Contribution Plan No 5 - Local Open Space:		
		50.0417 ETs @ \$901.79 per ET (\$575.00 base rate + \$326.79 indexation)		\$45,127.07
		CP05 (Local OS) Structured Open Space		
	d.	Contribution Plan No 11 - Tweed Shire Library Facilities:		
		50.0417 ETs @ \$1,214.47 per ET (\$792.00 base rate + \$422.47 indexation)		\$60,774.10
		CP11 Libraries		
	e.	Contribution Plan No 12 - Bus Shelters:		
		50.0417 ETs @ \$90.41 per ET (\$60.00 base rate + \$30.41 indexation)		\$4,524.26
		CP12 Bus Shelters		
	f.	Contribution Plan No 13 - Eviron Cemetery:		
		50.0417 ETs @ \$161.24 per ET (\$101.00 base rate + \$60.24 indexation)		\$8,068.71
		CP13 Cemeteries		
	g.	Contribution Plan No 15 - Developer Contributions for Community Facilities:		
		50.0417 ETs @ \$2,290.45 per ET (\$2,083.00 base rate + \$207.45 indexation)		\$114,617.93
		CP15 Comm Facilities		
	h.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:		
		50.0417 ETs @ \$2,824.46 per ET (\$1,759.90 base rate + \$1,064.56 indexation)		\$141,340.68
		CP18 Council Admin Facilities		
	i.	Contribution Plan No 22 - Cycleways:		

		50.0417 ETs @ \$672.93 per ET (\$447.00 base rate + \$225.93 indexation)		\$33,674.53
		CP22 Cycleways		
	j.	Contribution Plan No 26 - Shirewide Regional Open Space:		
		50.0417 ETs @ \$1,553.45 per ET (\$1,031.00 base rate + \$522.45 indexation)		\$77,737.30
		CP26 (Regional OS) Casual		
	k.	Contribution Plan No 26 - Shirewide Regional Open Space:		
		50.0417 ETs @ \$5,452.59 per ET (\$3,619.00 base rate + \$1,833.59 indexation)		\$272,856.55
		CP26 (Regional OS) Structured		
	<b>Condition reason:</b> To ensure the approved development provides for any increase in demand for community infrastructure the development generates in accordance with Section 7.11 EP&A Act.			
72.	<b>Public Land Licence</b>			
	A license agreement is to be obtained from Council as required under the Local Government Act 1993 for use of Council managed land, including for any air space.			
	<b>Condition reason:</b> To ensure the lawful use of and protection of public land and public assets.			
73.	<b>Reflection and Reflectivity Report</b>			
	The building is to use low reflective materials in accordance with the requirements of the Gold Coast Airport and Council's General Manager or delegate.			
	Prior to issue of a Construction Certificate, a reflectivity report is to be prepared by a suitably qualified consultant and submitted to Council's General Manager or delegate's satisfaction addressing any reflective materials and their impact including but not limited to the proposed mirror finish awnings.			
	<b>Condition reason:</b> To ensure reflectivity is managed to avoid impacts.			
74.	<b>Wind Mitigation</b>			
	Prior to issue of a Construction Certificate, a report addressing wind mitigation requirements of the Tweed Development Control Plan 2008 and recommending any mitigation measures is to be prepared by a suitable qualified consultant and submitted for approval to the principal certifier or Council. The report is to take into account any			

	assessment or mitigation measures proposed in the Pedestrian Wind Environment Statement prepared by Windtech and dated 2 April 2024.
	<b>Condition reason:</b> To ensure wind mitigation measures are considered in accordance with Section B2 of the DCP.
75.	<b>Revised Plans - Visual Privacy</b>
	Prior to issue of a Construction Certificate, revised plans and associated details are to be submitted to the Council's General Manager or delegates satisfaction demonstrating: <ul style="list-style-type: none"> <li>1. window treatments (film or the like) to improve visual privacy for the kitchen windows of apartment no.s 107 and 211;</li> <li>2. elevation or window treatment for windows overlooking accessways including for apartment no.s 102, 103, 202, 302, 305, 306, 307, 402, 405, 406, 407, 502, 503, 602, 603, 702, 703, 802, 803, 902, 903, 1002, 1003, 1102, 1103, 1202, 1203, 1302 and 1303; and</li> <li>3. window treatments for living room doors of apartment no.s 208, 209, 210 and 211;</li> <li>4. screening between the Communal Terrace and apartment no. 402.</li> </ul>
	<b>Condition reason:</b> To ensure revised plans addressing privacy impacts are submitted.
76.	<b>Essential Energy requirements - Compliance</b>
	Prior to issue of a Construction Certificate: <ul style="list-style-type: none"> <li>1. ECN-113546 (or equivalent application to Essential Energy's satisfaction) must be approved; and</li> <li>2. the applicant must submit documentary evidence of approval and relevant satisfaction to Council's General Manager or delegate for approval.</li> </ul>
	<b>Condition reason:</b> To ensure Essential Energy's requirements in relation to electrical infrastructure design are complied with.

### Before building work commences

77.	<b>Dilapidation report</b>
	Before any site work commences, a dilapidation report detailing the current general condition (including the structural condition) of the adjoining buildings/sites, infrastructure, roads and driveways is to be prepared and certified by a suitably qualified and experienced structural engineer.

	<p>The Report (supported by recent photos) is to be submitted to and accepted by the Principle Certifier and Council (and a copy of the report provided to the respective property owner, as applicable to that property), prior to commencement of ANY works on the site.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than 21 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.</p> <p><b>Condition reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
78.	<p><b>Deliveries</b></p> <p>While site work is being carried out, deliveries of material and equipment must only be carried out between—</p> <p>7.00am to 6.00pm on Monday to Friday</p> <p>8.00am to 1.00pm on Saturday</p> <p><b>Condition reason:</b> To protect the amenity of neighbouring properties.</p>
79.	<p><b>Consideration of DDA requirements</b></p> <p>Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.</p> <p><b>Condition reason:</b> Awareness condition advising owners/applicants to consider potential DDA issues.</p>
80.	<p><b>Excavating below footings of adjoining land</b></p> <p>It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:</p>

	<ul style="list-style-type: none"> <li>• The person must, at the person's own expense:</li> <li>• preserve and protect the building / property from damage; and</li> <li>• if necessary, underpin and support the building in an approved manner.</li> </ul> <p>The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.</p> <p><b>Condition reason:</b> To ensure a reduced impact of development on the adjoining property</p>
81.	<p><b>"Notice of Commencement of Building Work and Appointment of Principal Certifier" forms to be submitted</b></p> <p>Prior to work commencing, a "Notice of Commencement of Building Work and Appointment of Principal Certifier" shall be submitted to Council at least 2 days prior to work commencing.</p> <p><b>Condition reason:</b> To ensure compliance with legislative requirements.</p>
82.	<p><b>Sign providing applicable contact details to be installed</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• showing the name, address and telephone number of the Principal Certifier for the work, and</li> <li>• 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</li> <li>• stating that unauthorised entry to the site is prohibited.</li> </ul> <p>Any such sign is to be maintained while the building work is being carried out but must be removed when the work has been completed.</p> <p><b>Condition reason:</b> To ensure compliance with legislative requirements.</p>
83.	<p><b>Temporary builders toilet</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• a standard flushing toilet connected to a public sewer, or</li> <li>• if that is not practicable, an accredited sewage management facility approved by the council.</li> </ul>

	<b>Condition reason:</b> To ensure adequate sanitary facilities are provided for construction workers.
84.	<b>Timing of Construction Certificate</b>  The erection of a building in accordance with a development consent must not be commenced until: <ul style="list-style-type: none"> <li>• 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</li> <li>• the person having the benefit of the development consent has: <ul style="list-style-type: none"> <li>○ appointed a principal certifier for the building work, and</li> <li>○ notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and</li> </ul> </li> <li>• the principal certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> <li>○ notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and</li> <li>○ 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</li> </ul> </li> <li>• the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has: <ul style="list-style-type: none"> <li>○ appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and</li> <li>○ notified the principal certifier of any such appointment, and</li> <li>○ 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.</li> </ul> </li> </ul>
	<b>Condition reason:</b> To ensure compliance with legislative requirements.
85.	<b>Cap Sanitary Drain for demolition</b>  Where any existing sewer junctions are to be disconnected on the site, the connection point shall be capped off. A Section 68 application to Cap Sanitary Drain for Demolition shall be made to Tweed Shire Council and include the payment of fees in accordance with Council's current Fees and Charges.  <b>Condition reason:</b> To ensure capping of redundant sewer.
86.	<b>Bush-stone Curlew management</b>  Before commencement of works, all pre-start Bush-stone Curlew management measures must be enacted in accordance with the approved Bush-stone Management Plan unless otherwise approved by Council's General Manager or their delegate.  <b>Condition reason:</b> To ensure threatened fauna are protected.
87.	<b>Asbestos removal signage</b>

	<p>Before demolition or building work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words ‘DANGER: Asbestos removal in progress’ (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p><b>Condition reason:</b> To ensure asbestos signage is erected</p>
88.	<p><b>Notification of Dewatering Activities</b></p> <p>Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
89.	<p><b>Buildings and/or structure exceeding the Gold Coast Airport Obstacle Limitation Surface (OLS)</b></p> <p>The Building/Structure and equipment at height will constitute an infringement of Gold Coast Airports controlled airspace and will require approval before construction. Application must be made to Gold Coast Airport Pty Ltd for the buildings/structures as well as any construction cranes (tower and/or mobile), concrete pumps, raised platforms or other temporary equipment used at height on the site. Application(s) will take a minimum of eight weeks for industry assessment and response., Given the site will constitute a permanent intrusion of the controlled airspace, an as built survey of the structure’s height will, at the time of completion need to be provided to Gold Coast Airport.</p> <p><b>Condition reason:</b> To ensure regulatory approval from the Gold Coast Airport is obtained.</p>
90.	<p><b>Existing infrastructure to be located prior to commencement of work</b></p> <p>The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifier advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.</p> <p><b>Condition reason:</b> To ensure existing underground infrastructure is located prior to any subdivision or building work is commenced.</p>
91.	<p><b>Separate consent from Council under Section 138 of the Roads Act 1993</b></p> <p>Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new (or modification of the existing) driveway access (or modification of access).</p>



	Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
	<b>Condition reason:</b> To ensure s138 is obtained, prior to works commencing, as applicable.

### During building work

92.	<b>Hours of work</b>
	<p>Site work must only be carried out between the following times –</p> <p>For remediation, demolition and construction from 7.00am to 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
	<b>Condition reason:</b> To protect the amenity of the surrounding area.
93.	<b>Noise and Vibration – an approved document of this consent</b>
	<p>While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan.</p>
	<b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.
94.	<b>Soil management</b>
	<p>While site work is being carried out, the principal certifier or Council (where a certifier is not required) must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>a. All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to principal certifier or Council.</li> <li>b. All fill material imported to the site must be: <ul style="list-style-type: none"> <li>a. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or</li> <li>b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or</li> </ul> </li> </ul>

	<p>c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p>
	<p><b>Condition reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
95.	<p><b>Waste management</b></p>
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>1. all waste management must be undertaken in accordance with the waste management plan; and</li> <li>2. upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to the principal certifier or Council (where a principal certifier is not required), detailing the following: <ol style="list-style-type: none"> <li>a. The name and contact details of the person(s) who removed the waste,</li> <li>b. The waste carrier vehicle registration,</li> <li>c. The date and time of waste collection,</li> <li>d. A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate.</li> <li>e. The contact details and address of the disposal location or other offsite location(s) where the waste was taken,</li> <li>f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ol> </li> <li>3. The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ol> <p>If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and council.</p>
	<p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
96.	<p><b>48 hour notice for capping of disused sewer junctions</b></p>
	<p>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 application lodged and upon excavation of the service by the developer shall undertake the works.</p>
	<p><b>Condition reason:</b> TSC staff to be given 48hrs notice to cap disused sewer junctions.</p>
97.	<p><b>BCA compliance</b></p>

	<p>All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate was made).</p> <p><b>Condition reason:</b> To ensure BCA compliance</p>
98.	<p><b>Certification of sheet piling or other retaining method used to support adjoining properties</b></p> <p>A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principal Certifier within seven days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.</p> <p><b>Condition reason:</b> To certify the installed sheet piling or other retaining method used to support adjoining properties.</p>
99.	<p><b>Critical stage inspection</b></p> <p>The Principal Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.</p> <p><b>Condition reason:</b> To ensure sufficient time to carry out inspections</p>
100.	<p><b>Overflow relief gully</b></p> <p>Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.</p> <p><b>Condition reason:</b> To ensure compliance with AS/NZS 3500.</p>
101.	<p><b>Plumbing and Drainage</b></p> <p>Council is to be given 24 hours' notice for any of the following inspections prior to the next stage of construction:</p> <ul style="list-style-type: none"> <li>• internal drainage, prior to slab preparation;</li> <li>• water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;</li> <li>• external drainage prior to backfilling.</li> </ul> <p>completion of work and prior to occupation of the building.</p> <p><b>Condition reason:</b> To give sufficient notice of inspection.</p>
102.	<p><b>Plumbing and Drainage Permit</b></p> <ul style="list-style-type: none"> <li>• A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.</li> </ul>

	<ul style="list-style-type: none"> <li>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.</li> </ul>
	<b>Condition reason:</b> To ensure compliance with AS/NZS 3500
103.	<b>Pool back wash requirements</b>
	Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
	<b>Condition reason:</b> To ensure compliance with AS3500.
104.	<b>Site access</b>
	Public access to the construction works site is to be restricted 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.
	<b>Condition reason:</b> To protect the public
105.	<b>Site Management</b>
	<p>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:</p> <ul style="list-style-type: none"> <li>Noise, water or air pollution.</li> <li>Dust during filling operations and also from construction vehicles.</li> <li>Material removed from the site by wind.</li> </ul>
	<b>Condition reason:</b> To protect the amenity of the local area.
106.	<b>Spa/pool drainage requirements</b>
	Spa pools shall have suitable means for the drainage and disposal of overflow water.
	<b>Condition reason:</b> To ensure a suitable method of water management.
107.	<b>Spa/pool location &amp; enclosure</b>
	The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
	<b>Condition reason:</b> To reduce impact on adjoining properties amenity.
108.	<b>Spa/pool requirements</b>
	The spa pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pools Act 1992 and the Swimming Pools

	<p>Regulation 2008. Once your pool or spa is complete please register it at <a href="http://www.swimmingpoolregister.nsw.gov.au">www.swimmingpoolregister.nsw.gov.au</a>.</p>
	<p><b>Condition reason:</b> Ensure swimming pool safety.</p>
109.	<p><b>Storage of building material</b></p>
	<p>Development-related goods, materials, waste, equipment and structures must not be placed on Council's footpath or road reserve unless prior approval is obtained from Council for a temporary or partial road closure.</p>
	<p><b>Condition reason:</b> To ensure safety within public places</p>
110.	<p><b>Swimming pool</b></p>
	<p>The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:</p> <ul style="list-style-type: none"> <li>• bears a notice containing the words "This swimming pool is not to be occupied or used", and</li> <li>• is located in a prominent position in the immediate vicinity of that swimming pool, and</li> <li>• continues to be erected and maintained until a relevant Occupation Certificate or a certificate of compliance has been issued for that swimming pool.</li> </ul> <p>Maximum penalty: 5 penalty units.</p> <p>Note. The signage requirements in subclause (3) are in addition to any signage that may be required under the Environmental Planning and Assessment Act 1979 or any other Act.</p>
	<p><b>Condition reason:</b> To ensure public safety during construction of a swimming pool.</p>
111.	<p><b>Swimming pools</b></p>
	<ul style="list-style-type: none"> <li>• The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 &amp; AS 1926.3 -2010 &amp; AS 1926.2-2007, the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.</li> <li>• Swimming pools shall have suitable means for the drainage and disposal of overflow water.</li> <li>• The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.</li> <li>• Warning notices are to be provided in accordance with Part 3 of the Swimming Pools Regulation 2008.</li> </ul> <p>Once your pool or spa is complete please register it at <a href="http://www.swimmingpoolregister.nsw.gov.au">www.swimmingpoolregister.nsw.gov.au</a>.</p>
	<p><b>Condition reason:</b> To ensure compliance with the Swimming Pool Regulation.</p>

112.	<b>Water supply SOU</b>
	An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
	<b>Condition reason:</b> To ensure means of controlling water supply in SOUs.
113.	<b>Management of Bush-stone Curlews</b>
	During building work, all during construction management measures must be adhered to in accordance with the approved Bush-stone Curlew Management Plan unless otherwise approved by Council's General Manager or their delegate.
	<b>Condition reason:</b> During building works landscaping must be undertaken in accordance with the approved detailed plan of landscaping.
114.	<b>Fauna management</b>
	A suitably qualified 'Spotter Catcher' who holds the appropriate license(s), qualifications and experience shall be engaged to oversee vegetation removal works and demolition of existing dwellings and structures. The 'Spotter Catcher' is required to evaluate risks and if necessary, implement any necessary fauna management action/s to avoid any negative impact on the health or wellbeing of native fauna species.
	<b>Condition reason:</b> To ensure the protection of native wildlife protected under the NSW Biodiversity Conservation Act 2016.
115.	<b>Handling of asbestos</b>
	<p>While demolition or building work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <p>a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</p> <p>b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</p> <p>c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</p> <p><b>Condition reason:</b> To ensure asbestos waste is managed in accordance with relevant requirements.</p>
116.	<b>Acid Sulfate Soil Management Plan</b>
	All works shall be carried out in accordance with the Acid Sulfate Soil Investigation, December 2023, 3-7 River Terrance, Tweed Heads, prepared by Soil Surveys (reference:

	Project No. 2-15539) (the 'ASSI')) or to the satisfaction of Council's General Manager or delegate.
	<b>Condition reason:</b> To protect the local environment.
117.	<b>Demolition of structures</b>
	All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601: 2001 - The Demolition of Structures and the relevant requirements of SafeWork NSW and the Work Health and Safety Regulation 2017.
	The proponent shall also observe the relevant guidelines by NSW Environment Protection Authority (EPA) and SafeWork NSW.
	<b>Condition reason:</b> To protect workers, the public, and the environment.
118.	<b>Dewatering</b>
	Council's Environmental Health Officer shall be advised within 24 hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.
	<b>Condition reason:</b> To protect the amenity of the local area.
119.	<b>Dewatering – Completion Inspection</b>
	Upon completion of the dewatering operations, the applicant shall arrange for an inspection of any dewatering connection point to Council's stormwater system with Council's Roads and Stormwater Unit. The applicant shall comply with any directions issued by Council's Roads and Stormwater Unit in respect to the dewatering connection point.
	<b>Condition reason:</b> To protect services and the amenity of the local area.
120.	<b>Dewatering Management Plan</b>
	The development shall be undertaken in accordance with the approved Dewatering Management Plan and any addendum(s) or amendment(s) to this document as approved by Council's General Manager or delegate. A copy of the Plan shall be provided to the site manager, project manager and all other persons provided with responsibilities under the provisions of the Plan. In addition, a copy of the Plan shall be kept onsite while dewatering operations are being carried out.
	<b>Condition reason:</b> To protect the amenity of the local area.
121.	<b>Dewatering Management Plan – Responsible Persons</b>
	The names and 24-hour contact phone numbers of the site manager, project manager, and all other persons provided with responsibilities under the provisions of the approved

	Dewatering Management Plan shall be provided to Council's Environmental Health Officer prior to the commencement of dewatering operations.
	<b>Condition reason:</b> To protect the amenity of the local area.
122.	<b>Dewatering – Monitoring</b>
	The frequency of the monitoring regime for the various parameters as listed within the approved Dewatering Management Plan shall be amended at the direction of Council's General Manager or delegate.
	<b>Condition reason:</b> To protect the amenity of the local area.
123.	<b>Dewatering - Monitoring during rainfall events</b>
	Hourly inspections extending over a 24-hour period of the stormwater discharge network that is receiving dewatering discharge shall be undertaken at the responsibility of the project manager during rainfall events. If the combined stormwater and dewatering flows are exceeding the capacity of the stormwater network, dewatering must temporarily cease until the peak flows from the catchment have subsided.
	<b>Condition reason:</b> To protect services and the amenity of the local area.
124.	<b>Dewatering requirements (Location)</b>
	All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or delegate to prevent the emission of offensive noise as a result of their operation.
	<b>Condition reason:</b> To protect the amenity of the surrounding area.
125.	<b>Dewatering requirements (Odour)</b>
	All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or delegate prior to installation and shall include a water sampling outlet.
	<b>Condition reason:</b> To protect the amenity of the surrounding area.
126.	<b>Dewatering requirements (Pump)</b>
	Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not permitted unless otherwise approved by Council's General Manager or delegate.
	<b>Condition reason:</b> To protect the amenity of the surrounding area.



127.	<b>Dewatering – Stormwater Drainage Network</b>
	Prior to the commencement of dewatering operations, an examination of the quantity of pre-existing sediment within the stormwater drainage network that is intended to receive the dewatering discharge shall be undertaken by methods considered acceptable to Council's Roads and Stormwater Unit. Closed circuit television (CCTV) footage and a report of the findings of the examination shall be provided to Council's Roads and Stormwater Unit prior to the commencement of de-watering operations.
	<b>Condition reason:</b> To protect services and the amenity of the local area.
128.	<b>Dewatering – Water Quality Criteria</b>
	No offsite dewatering shall commence until Council's Environmental Health Officer is satisfied that the quality of water to be discharged will comply with any agreed water quality criteria.
	<b>Condition reason:</b> To protect the amenity of the local area.
129.	<b>Food Premises Fitout Plan</b>
	The development shall be constructed in accordance with the approved food fitout plans or to the satisfaction of Council's General Manager or delegate. During construction and fitout of the kitchen/food premises, periodic inspections may be arranged with Council's Environmental Health Officer to ensure compliance with the approved food fitout plans, health related conditions of approval, and respective legislation.
	<b>Condition reason:</b> To ensure compliance with relevant standards.
130.	<b>Managing Noise – Mechanical Equipment</b>
	Swimming pool pumps, air conditioning units, heat pump water systems, and the like shall be located, installed, and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the Protection of the Environment Operations Act 1997.
	<b>Condition reason:</b> To protect the amenity of the local area.
131.	<b>Managing noise with acoustic treatment (Mechanical Ventilation)</b>
	If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the approved noise impact assessment reports and meet the maximum indoor design sound levels as prescribed in the design sound levels and reverberation times prescribed in Australian Standard AS/NZS 2107:2016 "Acoustics - Recommended design sound levels and reverberation times for building interiors", then a system of mechanical ventilation complying with the relevant provisions of the NCC 2019 Volume 1 (Amendment 1) shall be installed to service all habitable areas of the dwelling.

	<b>Condition reason:</b> To ensure structures are constructed in accordance with Australian Standards and approved reports.
132.	<b>Managing noise with acoustic treatment (Report Compliance)</b>
	The development shall be carried out in accordance with the provisions of any approved environmental noise impact reports or to the satisfaction of Council's General Manager or delegate.
	<b>Condition reason:</b> To ensure structures are constructed in accordance with the relevant Australian Standards and approved reports.
133.	<b>Noise and vibration requirements</b>
	The development shall be carried out in accordance with current NSW Environment Protection Authority construction noise guidelines. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment during demolition and construction works.
	<b>Condition reason:</b> To protect the amenity of the surrounding area.
134.	<b>Regulated Systems – Legionella Control</b>
	Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the Public Health Act 2010 shall be installed in accordance with the requirements of Part 2 – Legionella Control of the Public Health Regulation 2022.
	<b>Condition reason:</b> To ensure regulated systems are managed appropriately to protect health and safety.
135.	<b>Removal of waste material</b>
	The builder must provide an adequate waste service to ensure that all waste material is suitably contained and secured within an area on the site and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.
	<b>Condition reason:</b> To ensure proper handling of waste.
136.	<b>Site Compaction</b>
	The use of vibratory compaction equipment including high impact methods (other than handheld devices) within 100m of any existing dwelling house, building or structure is strictly prohibited.
	<b>Condition reason:</b> To protect the amenity of the local area.
137.	<b>Vehicle wash down design</b>

	<p>All vehicle wash-down areas shall be durable, pervious, appropriately sized, and identified for that specific purpose. These areas must be supplied with an adequate water supply and any surface run-off from the area must not discharge to the stormwater system.</p> <p><b>Condition reason:</b> To ensure car wash areas are suitably designed and to protect the environment.</p>
138.	<p><b>Waste Management (Burning)</b></p> <p>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.</p> <p><b>Condition reason:</b> To protect the amenity of the local area.</p>
139.	<p><b>Waste management (Development Control Plan)</b></p> <p>All waste shall be collected, stored, and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management.</p> <p><b>Condition reason:</b> To ensure proper handling of waste.</p>
140.	<p><b>Trees within Existing Road Reserves to be Retained</b></p> <p>All existing trees within the road reserve are to be retained and protected during construction in accordance with the methods outlined in the Arborist Report for the development dated 31 January 2024 prepared by TPZ Project Arborists. 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 at a ratio of 2:1 with a similar species in a 200L 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.</p> <p><b>Condition reason:</b> To ensure existing trees within the road reserve are retained and protected.</p>
141.	<p><b>Inspection of s68h2 permanent Stormwater Quality Control Device</b></p> <p>During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all s68h2 permanent Stormwater Quality Control Devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.</p> <p><b>Condition reason:</b> To advise builder the permanent quality control device will require inspection prior to back filling.</p>

142.	<b>Application for new sewer junction</b>
	The Applicant shall submit and obtain approval for a sewer junction for proposed Lot. 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.
	<b>Condition reason:</b> Application for a new sewer junction for the proposed development.
143.	<b>Application for new water meter and/or service</b>
	The Applicant shall submit and obtain approval for a property service and/or water meter for proposed Lot. The connection shall be undertaken by Tweed Shire Council, with all the applicable costs and application fees paid by the applicant.
	<b>Condition reason:</b> Application for a new water meter and/or service for the proposed development.
144.	<b>Servicing of trade waste pre-treatment device</b>
	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.
	<b>Condition reason:</b> To ensure maintenance of installed pre-treatment devices.
145.	<b>Keeping Surrounding Road Carriageways are to be Kept Clean</b>
	The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.
	<b>Condition reason:</b> To ensure surrounding road carriageways are to be kept clean
146.	<b>Maintaining all surrounding warning signs and traffic control devices</b>
	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.
	<b>Condition reason:</b> To ensure all warning signs and traffic control devices are maintained during construction.
147.	<b>Removal of existing concrete structures</b>

	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.
	<b>Condition reason:</b> To advise that existing footpath or kerb is to be sawcut.
148.	<b>Removing Material From Site</b>
	No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Council's General Manager or delegate.
	<b>Condition reason:</b> To ensure material remains on site unless approval is given
149.	<b>Works to be carried out in accordance with applicable approvals</b>
	All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, plans, drawings and specifications.
	<b>Condition reason:</b> To ensure compliance with development consent
150.	<b>Basix Certificate</b>
	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.
	<b>Condition reason:</b> To ensure the development Complies with the BASIX certificate

### Before issue of an Occupation Certificate

151.	<b>Certification of acoustic measures</b>
	Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier or Council (where a certifier is not required) that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.
	<b>Condition reason:</b> To protect the amenity of the local area
152.	<b>Removal of waste upon completion</b>
	Before the issue of an Occupation Certificate: <ul style="list-style-type: none"> <li>a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and</li> </ul>

	<p>b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier or Council (where a certifier is not required).</p> <p>c. Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.</p>
	<p><b>Condition reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored.</p>
153.	<p><b>Any damage caused to public infrastructure to be rectified prior to issue of any Certificate</b></p>
	<p>Prior to issue of any Occupation Certificate, any damage caused to public infrastructure (e.g. roads, footpaths, water and sewer mains, power and telephone services etc.) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications.</p>
	<p><b>Condition reason:</b> Prior to the issue of any Occupation Certificate, any damage caused to public infrastructure is to be repaired by the applicant.</p>
154.	<p><b>Commencement of Occupation or Use</b></p>
	<p>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).</p>
	<p><b>Condition reason:</b> To ensure the development is completed and complies with the development Consent</p>
155.	<p><b>Final inspection report – plumbing and drainage</b></p>
	<p>Before issue of an Occupation Certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.</p>
	<p><b>Condition reason:</b> To ensure compliance with AS3500</p>
156.	<p><b>Fire Safety Certificate</b></p>
	<p>An Occupation Certificate is not to be issued until a Fire Safety Certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.</p>
	<p><b>Condition reason:</b> To ensure compliance with the BCA</p>
157.	<p><b>Partial / Whole Occupation Certificate Timing</b></p>

	<p>A Partial or Whole Occupation Certificate is to be obtained prior to the Occupation or the commencement of the use of the building.</p> <p>Within 5 years from the date of issue of any Partial Occupation Certificate for part of a building an Occupation Certificate for the "Whole Building" must be applied for and obtained from the nominated Principal Certifying Authority.</p> <p><b>Condition reason:</b> To ensure an Occupation Certificate is obtained within a reasonable time frame</p>
158.	<p><b>Pool Certification</b></p> <p>Upon completion of the pool the builder is to submit to the Principal Certifier a certificate stating that the "Water Recirculation System" has been installed in accordance with AS 1926.3-2010.</p> <p><b>Condition reason:</b> To ensure compliance with AS1926.3</p>
159.	<p><b>Registration of Swimming Pool / Spa</b></p> <p>The swimming pool or spa is required to be registered at <a href="http://www.swimmingpoolregister.nsw.gov.au">www.swimmingpoolregister.nsw.gov.au</a> prior to the issue of any Occupation Certificate for the swimming pool or spa.</p> <p><b>Condition reason:</b> To ensure compliance with relevant standards.</p>
160.	<p><b>Landscaping</b></p> <p>Landscaping must be successfully established and completed to the satisfaction of Council's General Manager or delegate prior to the issue of Occupation Certificate in accordance with the approved detailed plan of landscaping.</p> <p><b>Condition reason:</b> To ensure landscaping has been successfully completed and established.</p>
161.	<p><b>Food Premises – Fit Out Inspection</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure compliance with relevant standards.</p>
162.	<p><b>Food Premises – Notification</b></p> <p>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 <a href="http://www.tweed.nsw.gov.au">www.tweed.nsw.gov.au</a> or by calling 02 6670 2400.</p>

	<b>Condition reason:</b> To ensure compliance with relevant standards.
163.	<p><b>Land Contamination – Environmental Management Plan</b></p> <p>Before the issue of an Occupation Certificate, where the ongoing land use suitability [and release of the final Site Audit Statement] is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by [the NSW Environment Protection Authority (EPA) Accredited Site Auditor prior to the issue of the final Site Audit Statement and] Council’s General Manager or delegate. The EMP shall be prepared in accordance with the NSW EPA Practice Note “Preparing environmental management plans for contaminated land” and contaminated land guidelines.</p> <p><b>Condition reason:</b> To ensure the site is suitable for the proposed land use and is safe for future occupants.</p>
164.	<p><b>Land Contamination – Registration of Covenant</b></p> <p>Before the issue of an Occupation Certificate, a covenant must be registered on the title of the land and a copy of the title submitted to Council’s General Manager and the Principal Certifying Authority.</p> <p>This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants, or for any works subsequently required by the NSW Environment Protection Authority or Council’s General Manager or delegate.</p> <p>A copy of the revised certificate of land title recording the covenant must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure the site is suitable for the proposed land use and is safe for future occupants.</p>
165.	<p><b>Noise and Vibration – Post Construction</b></p> <p>Prior to an Occupation Certificate being issued, a Post Construction Noise Impact Compliance Assessment report prepared by a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate.</p> <p>The assessment report shall consider the approved Noise Impact Assessment Report and any addendum(s) or amendment(s) to this report as approved by Council's General</p>



	<p>Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant.</p> <p>The applicant shall carry out any such recommendations as provided within the Post Construction Noise Impact Compliance Assessment report to the satisfaction of the 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.</p> <p><b>Condition reason:</b> To protect the amenity of the local area.</p>
166.	<p><b>Streetscape and Landscaping Work Completion</b></p> <p>All landscaping and streetscaping works shall be completed in accordance with the approved detailed landscape and streetscape works plans prior to the issue of an Occupation Certificate and be maintained at all times to the satisfaction of Council's General Manager or delegate.</p> <p><b>Condition reason:</b> To ensure amenity and landscaping outcomes are achieved.</p>
167.	<p><b>Creation of applicable 88B Instrument – maintenance of stormwater management system</b></p> <p>The creation of a Positive Covenant and Restrictions As To User as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>• The creation of a Positive Covenant and associated Restriction on Title relevant to the proposed stormwater on site detention system.</li> <li>• Positive Covent over the subject land for the perpetual maintenance requirements associated with the on site detention system. A detailed site-specific Maintenance Schedule is to be produced by the designer and must form part of the Positive Covenant.</li> <li>• A Restriction As To User to ensure the on site detention system is not altered or prevented from operating in a safe and efficient manner.</li> <li>• The creation of a Positive Covenant relevant to all water quality control features on the site, to ensure a perpetual maintenance regime is implemented. All such features are to have a maintenance schedule prepared by the installer/manufacture and included in the Positive Covenant.</li> </ul> <p><b>Condition reason:</b> To ensure stormwater management systems are adequately maintained in perpetuity with a site specific stormwater maintenance schedule.</p>
168.	<p><b>Permanent Stormwater Quality Control Device</b></p> <p>Before the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices.</p>

	<b>Condition reason:</b> To ensure a stormwater quality control device has been installed prior to the issue of an Occupation Certificate
169.	<p><b>s305, s306 &amp; s307 Certificate of Compliance</b></p> <p>A Certificate of Compliance under Sections 305, 306 and 307 of the Water Management Act 2000, for each stage of the development, is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.</p> <p><b>Condition reason:</b> A Certificate of Compliance is required to capture developer contributions and/or s68 systems works that will be required for the proposed development prior to Occupation Certificate issue.</p>
170.	<p><b>Trade waste pre-treatment device to be installed</b></p> <p>Pursuant to Section 68 of the Local Government Act 1993, an approved pre-treatment device (e.g. grease arrestor, oil separator, basket trap) must be installed in accordance with Tweed Shire Council's Policy – Discharge of Liquid Trade Waste to the Sewerage System. A Liquid Trade Waste Services Agreement will be issued, and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement.</p> <p><b>Condition reason:</b> To ensure an approved pre-treatment device is installed prior to occupation.</p>
171.	<p><b>Consolidation of Lots</b></p> <p>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 issue of an Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure associated allotments are consolidated into one lot prior to the issuing of the Occupation Certificate.</p>
172.	<p><b>Reinstatement of Road Pavement, Kerb and Gutter and Footpaths</b></p> <p>Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.</p> <p><b>Condition reason:</b> To ensure the development is compliant with Council guidelines</p>
173.	<b>S138 Satisfactory Inspection Report</b>

	<p>Before the issue of an Occupation Certificate, the applicant shall produce a copy of the “Satisfactory Inspection Report” issued by Council for all works required under Section 138 of the Roads Act 1993.</p> <p><b>Condition reason:</b> To ensure the development is carried out within the road reserve as proposed and compliant with Council guidelines.</p>
174.	<p><b>Works to be Completed in Accordance With Approved Management Plans</b></p> <p>Before the issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.</p> <p><b>Condition reason:</b> To ensure the approved development is clearly documented and proceeds in accordance with a set of approved plans which outlined the development, impact mitigation, compliance and desired outcomes.</p>
175.	<p><b>Final Dilapidation Report after the completion of works</b></p> <p>Upon completion of all works on the site and before the issue of an Occupation Certificate, a Dilapidation Report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general and structural condition of adjoining buildings/sites, infrastructure, roads and driveways.</p> <p>The Dilapidation Report (supported by photos cross referenced to the original Dilapidation Report) shall take into consideration the findings of the original Dilapidation Report and advise if any damages have occurred that could be attributed to the work the subject of this development consent. If damages have occurred, the Principal Certifier and Council is to be provided with evidence that the damages have been repaired to the satisfaction of the certifying structural engineer OR that alternative mutually agreeable arrangements (i.e. between the Developer and the affected property owner) have been finalised, before the issue of an Occupation Certificate.</p> <p>A copy of the Dilapidation Report is to be provided to and endorsed by the Principal Certifier and to Council.</p> <p><b>Condition reason:</b> To ensure applicable Dilapidation Reports are done (and accepted) at the completion of works.</p>
176.	<p><b>S68 Satisfactory Inspection Report</b></p> <p>Prior to the issue of an Occupation Certificate, a “Certificate of Practical Completion” shall be obtained from Council’s General Manager or his delegate for all works required under Section 68 of the Local Government Act.</p> <p><b>Condition reason:</b> To ensure works approved under Section 68 of the Local Government Act have been installed prior to the issue of an Occupation Certificate.</p>
177.	<p><b>BASIX Schedule of Commitments</b></p>

	Before the issue of an Occupation Certificate adequate proof and/or documentation is to be submitted to the Principal Certifier to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.
	<b>Condition reason:</b> To ensure compliance with the BASIX certificate
178.	<b>Internal Signage</b>
	Prior to issue of an Occupation Certificate, legible signage is to be provided to the principal certifier or Council's satisfaction for apartment numbers, storage cages, common areas, general wayfinding and car parking.
	<b>Condition reason:</b> To ensure way-finding signage is provided prior to issue of an Occupation Certificate.

### Occupation and ongoing use

179.	<b>External lighting during ongoing use</b>
	During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.
	<b>Condition reason:</b> To ensure the safe operation of the premises and protect the amenity of the local area
180.	<b>Swimming Pools (Building)</b>
	It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the subject property or the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pools Act 1992).
	The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pools Act 1992).
	Warning notices required under Part 3 of the Swimming Pools Regulation 2008 shall be maintained at all times.
	<b>Condition reason:</b> To ensure compliance with the swimming pool legislation
181.	<b>Retention of landscaping requirements</b>

	<p>Vegetation planted as part of the approved Detailed Plan of Landscaping must be replaced in the event of unsuccessful establishment within two years of issue of Occupation Certificate. Replacement vegetation must be planted in accordance with the approved Detailed Plan of Landscaping unless otherwise approved by Council's General Manager or their delegate.</p> <p><b>Condition reason:</b> To account for any unsuccessful establishment of landscape plantings.</p>
182.	<p><b>Retention of planted landscape trees</b></p> <p>Trees planted as part of the approved Detailed Plan of Landscaping must be retained and left to grow naturally into mature trees. Pruning of planted trees must be to the minimum extent necessary and in accordance with the <i>Australian Standard for Pruning of Amenity Trees AS4373-2007</i>, unless otherwise approved by Council's General Manager or their delegate.</p> <p><b>Condition reason:</b> To ensure long term retention and management of planted trees.</p>
183.	<p><b>Bulk Waste Collection</b></p> <p>All bulk waste collection activities shall occur within the property boundary.</p> <p><b>Condition reason:</b> To protect amenity of the local area.</p>
184.	<p><b>External Lighting</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure safe operation of the premises and protect the amenity of the local area.</p>
185.	<p><b>Food Premises Standards</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure compliance with relevant standards.</p>
186.	<p><b>Footpath Dining (Approval)</b></p> <p>Footpath dining activities shall not be carried out unless a Footpath Dining License Agreement has been approved by Council's General Manager or delegate. Footpath</p>

	dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Council's adopted Footpath Trading Policy.
	<b>Condition reason:</b> To protect amenity of the local area and ensure compliance with relevant standards.
187.	<b>Managing Amenity</b>
	The development shall be carried out in accordance with the provisions of the approved noise impact assessment reports or to the satisfaction of Council's General Manager or delegate.
	<b>Condition reason:</b> To protect the amenity of the local area.
188.	<b>Managing Noise (Complaint Report)</b>
	Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified acoustic consultant in accordance with relevant standards and guidelines. The NIS is to be submitted to the satisfaction of Council's General Manager or delegate and include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.
	<b>Condition reason:</b> To protect the amenity of the local area.
189.	<b>Managing Noise – Mechanical Equipment</b>
	Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the Protection of the Environment Operations Act 1997.
	<b>Condition reason:</b> To protect the amenity of the local area.
190.	<b>Mechanical Plant - Location and Acoustic Treatment</b>
	All air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of Council's General Manager or delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.
	<b>Condition reason:</b> To ensure operational noise levels do not unreasonably impact on the amenity of adjoining and nearby premises.
191.	<b>Mechanical Ventilation Standards</b>

	<p>All mechanical ventilation shall meet the requirements of Australian Standard AS1668.2:2012 “The use of ventilation and air conditioning in buildings, Part 2: Mechanical ventilation in buildings”.</p> <p><b>Condition reason:</b> To ensure compliance with relevant standards.</p>
192.	<p><b>Noise and Vibration – Site Management Plan</b></p> <p>The site shall be managed in accordance with a Site Management Plan to the satisfaction of Council’s General Manager or delegate which details how activities associated with the development are managed to prevent the generation or emission of offensive noise. Staff must monitor all activities to minimise disturbance to onsite patrons and neighbouring residents and a site manager contact number shall be made available on a 24 hour basis to respond to complaints or emergencies.</p> <p>The Site Management Plan is to be submitted and approved by Council’s General Manager or delegate prior to commencement of use.</p> <p><b>Condition reason:</b> To protect the amenity of the local area.</p>
193.	<p><b>Operating Hours</b></p> <p>Hours of operation of the commercial premises and the loading dock are restricted to the following hours:</p> <ul style="list-style-type: none"> <li>• 7:00am to 7:00pm - Mondays to Sundays, including public holidays</li> <li>• All deliveries and pickups relating to the business are to occur within the approved hours.</li> </ul> <p><b>Condition reason:</b> To protect the amenity of the local area.</p>
194.	<p><b>Public Swimming Pools and Spa Pools</b></p> <p>Public swimming pools and spa pools shall be operated in accordance with the Public Health Act 2010, Part 3 of the Public Health Regulation 2022, and NSW Health guidelines.</p> <p><b>Condition reason:</b> To ensure compliance with relevant standards.</p>
195.	<p><b>Regulated Systems – Legionella Control</b></p> <p>Any air-handling, hot water, warm-water, cooling water, or other regulated system as defined in Section 26 of the Public Health Act 2010 shall be operated and maintained in accordance with the requirements of Part 2 – Legionella Control of the Public Health Regulation 2022.</p> <p><b>Condition reason:</b> To ensure regulated systems are managed appropriately to protect health and safety.</p>

196.	<b>Vehicle wash down design</b>
	All vehicle wash-down areas shall be durable, pervious, appropriately sized, and identified for that specific purpose. These areas must be supplied with an adequate water supply and any surface run-off from the area must not discharge to the stormwater system.
	<b>Condition reason:</b> To ensure car wash areas are suitably designed and to protect the environment.
197.	<b>Waste Collection Hours</b>
	The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays unless otherwise approved by Council's General Manager or delegate.
	<b>Condition reason:</b> To protect the amenity of the local area.
198.	<b>Waste Management</b>
	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.
	Residential waste collection is via kerbside collection along the development's River Terrace frontage. Bins are to be located at the designated collection point only, are to be placed there no earlier than the night before the allocated collection day and must be removed from the public road reserve the day of collection, after they have been serviced.
	<b>Condition reason:</b> To protect the amenity of the local area.
199.	<b>Public land encroachment</b>
	No items or goods are to be stored or displayed outside the confines of the premises.
	<b>Condition reason:</b> To protect the amenity of the streetscape and prevent unauthorised encroachments onto public land.
200.	<b>Retail 1 - Limitation of Use</b>
	Without limitation to any requirement to obtain development consent, any change of use of the premises designated 'Retail 1' is to be limited to a use that generates car parking no greater than that supplied by the approved development as detailed in the Traffic Impact Assessment IR Response prepared by Bitzios Consulting and dated 15 April 2025).
	<b>Condition reason:</b> To ensure that the limited parking supplied for the Showroom (as proposed in accordance with Section B2 of the DCP car parking rates) is not exceeded by the parking generated by future use of the property in the event of a change of use proposed to be undertaken as exempt development or complying development.
201.	<b>Customer Car Parking to be Unobstructed</b>



	<p>Access to customer car parking for the commercial premises within the site is to be unobstructed during business operating hours.</p> <p><b>Condition reason:</b> To ensure customer car parking is accessible.</p>
202.	<p><b>Business to dispose of non-domestic waste as per approved Liquid Trade Waste Agreement</b></p> <p>The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.</p> <p><b>Condition reason:</b> To ensure that all waste from the business is disposed of as per the approved Liquid Trade Waste Agreement.</p>
203.	<p><b>Landscaping Maintenance</b></p> <p>Landscaping and all associated infrastructure must be maintained and kept in good condition in perpetuity for the life of the development the subject of the development consent, and generally be in accordance with the approved landscaping. Landscape areas shall not be replaced by impervious surfaces including artificial turf or hardstand paving to maintain adequate stormwater infiltration and deep soil zones on site.</p> <p>Landscaping is to be maintained on the ground floor to ensure adequate visibility can be maintained at all times.</p> <p>The associated irrigation is to utilise recycled water and be controlled by timers and soil moisture or rainfall sensors.</p> <p><b>Condition reason:</b> To ensure landscaping is maintained in perpetuity for the life of the development.</p>
204.	<p><b>Level 13 Rooftop - Restriction of Access</b></p> <p>Access to the Level 13 rooftop is to be physically restricted for maintenance purposes only.</p> <p><b>Condition reason:</b> To ensure the Level 13 rooftop is not trafficked.</p>
205.	<p><b>Storage - Provision of Storage Cages and Allocation</b></p> <p>Each apartment is to be provided with a storage cage in the basement. Apartment No. 211 is to be provided a larger storage cage such as that shown in the approved Plans.</p> <p><b>Condition reason:</b> To ensure basement storage is provided and Apartment No. 211 receives a larger storage cage to compensate for low storage.</p>
206.	<p><b>Managing Amenity Impacts</b></p> <p>The use shall be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, odours, or the like.</p>

	<b>Condition reason:</b> To protect the amenity of the local area.
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## Remediation Work

### Before remediation work commences

No additional conditions have been applied to this stage of development.

### During remediation work

207.	<b>Discovery of relics and Aboriginal objects</b>  While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: <ul style="list-style-type: none"> <li>a. the work in the area of the discovery must cease immediately;</li> <li>b. the following must be notified <ul style="list-style-type: none"> <li>i. for a relic – the Heritage Council; or</li> <li>ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul> </li> </ul> Site work may recommence at a time confirmed in writing by: <ul style="list-style-type: none"> <li>a. for a relic – the Heritage Council; or</li> <li>b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ul>
	<b>Condition reason:</b> To ensure the protection of objects of potential significance during works.
208.	<b>Hours of Work</b>  <b>Hours of Work</b>  Site work (including the switching on and operation of plant, machinery and vehicles) must only be carried out between the following times -  For any <b>works</b> from 7.00 am to 6.00 pm on Monday to Friday.  For any <b>works</b> from 8.00 am to 1.00 pm on Saturday.

	<p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer, public authority or as otherwise approved by Council's General Manager or delegate.</p> <p>No noise is to impact the amenity or disturb surrounding residents outside of these times.</p> <p>The principal contractor is responsible to instruct and control subcontractors regarding hours of work.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area</p>
209.	<p><b>Noise and vibration requirements</b></p> <p>The development shall be carried out in accordance with current NSW Environment Protection Authority construction noise guidelines. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment during demolition and construction works.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
210.	<p><b>Notice of commencement for demolition</b></p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ul style="list-style-type: none"> <li>• name</li> <li>• address</li> <li>• contact telephone number</li> <li>• licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor</li> <li>• the contact telephone number of council; and</li> <li>• the contact telephone number of SafeWork NSW (4921 2900).</li> </ul> <p><b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries.</p>
211.	<p><b>Removal of waste material</b></p> <p>The builder must provide an adequate waste service to ensure that all waste material is suitably contained and secured within an area on the site and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.</p> <p><b>Condition reason:</b> To ensure proper handling of waste.</p>
212.	<p><b>Site management</b></p>

	<p>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:</p> <ul style="list-style-type: none"> <li>• Noise, water or air pollution.</li> <li>• Dust during filling operations and also from construction vehicles.</li> <li>• Material removed from the site by wind.</li> </ul>
	<p><b>Condition reason:</b> To protect the amenity of the local area.</p>

## On completion of remediation work

213.	<b>Land Contamination – Environmental Management Plan</b>
	<p>The land owner must comply with the ongoing obligations of any Environmental Management Plan (EMP) and Site Audit Statement (SAS) for the site.</p> <p>A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants, or for any works subsequently required by the NSW Environment Protection Authority (EPA) or Council.</p>
	<b>Condition reason:</b> To ensure the site is suitable for the proposed land use and is safe for future occupants.

## Dictionary

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

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

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

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

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

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

**Council** means TWEED SHIRE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

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

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

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

**Stormwater drainage system** means all works and facilities relating to:

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

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

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