

Council Reference: DA22/0408.01 LN85543
Your Reference:



31 May 2024

Customer Service | 1300 292 872 | (02) 6670 2400

Azure Project 35 Pty Ltd
C/- Town Planning Alliance (NSW)
PO Box 7657
EAST BRISBANE QLD 4169

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au



PO Box 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN 90 178 732 496

Dear Sir/Madam

Section 4.55 Application DA22/0408.01 - amendment to Development Consent DA22/0408 for a residential flat building (78 units) in 3 x 4 storey blocks and 1 x 2 storey block (NRPP) at Lot 46 DP 1264557; No. 6 Grand Parade CASUARINA

Reference is made to your application regarding the above. Please find enclosed Amended Consent DA22/0408. The consent has been amended as follows:

1. Delete Condition No. 1 and replace with new Condition No. 1A which reads as follows:

- 1A. The development shall be completed in accordance with the following plans prepared by Conrad Gargett and dated 15 December 2023, except where varied by the conditions of this consent.

Plan	Drawing	Date
Basement	DA 100 Rev. 2	15 December 2023
Level 01	DA 101 Rev. 2	15 December 2023
Level 02	DA 102 Rev. 2	15 December 2023
Level 03	DA 103 Rev. 2	15 December 2023
Level 04	DA 104 Rev. 2	15 December 2023
Roof	DA 105 Rev. 2	15 December 2023
Types 02A + 02B	DA 150 Rev. 2	15 December 2023
Types 02C + 02D	DA 151 Rev. 2	15 December 2023
Types 02E + 02F	DA 152 Rev. 2	15 December 2023
Types 02G + 02H	DA 153 Rev. 2	15 December 2023
Types 02I + 02J	DA 154 Rev. 2	15 December 2023
Types 02K + 02L	DA 155 Rev. 2	15 December 2023
Types 02M + 02N	DA 156 Rev. 2	15 December 2023
Types 03A	DA 157 Rev. 2	15 December 2023
Types 03B-1	DA 158 Rev. 2	15 December 2023
Types 03B-2	DA 159 Rev. 2	15 December 2023
Types 03C	DA 160 Rev. 2	15 December 2023
Types 03D	DA 161 Rev. 2	15 December 2023
Type 03G	DA 162 Rev. 2	15 December 2023
Type 04A	DA 164 Rev. 2	15 December 2023
Type 04B	DA 165 Rev. 2	15 December 2023
Type 04C	DA 166 Rev. 2	15 December 2023
Type 04D	DA 167 Rev. 2	15 December 2023

Elevations - East (Habitat Drive) / West (Casuarina Way)	DA 200 Rev. 2	15 December 2023
Elevations - North (Grand Parade) / South	DA 201 Rev. 2	15 December 2023
Elevations - Building A (N,S)	DA 202 Rev. 2	15 December 2023
Elevations - Building A (E, W)	DA 203 Rev. 2	15 December 2023
Elevations - Building B (N,S)	DA 204 Rev. 2	15 December 2023
Elevations - Building B (E,W)	DA 205 Rev. 2	15 December 2023
Elevations - Building C (N,S)	DA 206 Rev. 2	15 December 2023
Elevations - Building C (E, W)	DA 207 Rev. 2	15 December 2023
Elevations - Building D (N,S)	DA 208 Rev. 2	15 December 2023
Elevations - Building D (E, W)	DA 209 Rev. 2	15 December 2023
Sections	DA 210 Rev. 2	15 December 2023
Sections	DA 211 Rev. 2	15 December 2023
Sections	DA 212 Rev. 2	15 December 2023
Sections	DA 213 Rev. 1	15 December 2023
Ventilation diagram	DA 323 Rev. 3	19 February 2024
Material Palette	DA 220 Rev. 1	19 February 2024

2. Delete Condition No. 15 and replace with new Condition No. 15A which reads as follows:

15A. Section 7.11 Contributions

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

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

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	297.7 trips @ \$1,596.89 per trip (\$1,145.00 base rate + \$451.89 indexation)	\$475,392.69
	CP04 Road Contributions (7-Duranbah/Cab)	
b.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	297.7 trips @ \$234.30 per trip (\$168.00 base rate + \$66.30 indexation)	\$69,751.11

	CP04 Road Contributions (LCA Casuarina)	
c.	Contribution Plan No 11 - Tweed Shire Library Facilities:	
	58.75 ETs @ \$1,214.47 per ET (\$792.00 base rate + \$422.47 indexation)	\$71,350.11
	CP11 Libraries	
d.	Contribution Plan No 12 - Bus Shelters:	
	58.75 ETs @ \$87.29 per ET (\$60.00 base rate + \$27.29 indexation)	\$5,128.28
	CP12 Bus Shelters	
e.	Contribution Plan No 13 - Eviron Cemetery:	
	58.75 ETs @ \$161.74 per ET (\$101.00 base rate + \$60.74 indexation)	\$9,502.22
	CP13 Cemeteries	
f.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:	
	58.75 ETs @ \$2,618.12 per ET (\$1,759.90 base rate + \$858.22 indexation)	\$153,814.55
	CP18 Council Admin Facilities	
g.	Contribution Plan No 19 - Casuarina Beach/Kings Forest:	
	58.75 ETs @ \$3,241.96 per ET (\$3,139.00 base rate + \$102.96 indexation)	\$190,465.15
	CP19 Casuarina Beach Community Facilities	
h.	Contribution Plan No 19 - Casuarina Beach/Kings Forest:	
	58.75 ETs @ \$2,287.33 per ET (\$2,191.00 base rate + \$96.33 indexation)	\$134,380.63
	CP19 Casuarina Beach Open Space	
i.	Contribution Plan No 22 - Cycleways:	
	58.75 ETs @ \$649.74 per ET (\$447.00 base rate + \$202.74 indexation)	\$38,172.22
	CP22 Cycleways	

j.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	58.75 ETs @ \$1,499.92 per ET (\$1,031.00 base rate + \$468.92 indexation)	\$88,120.30
	CP26 (Regional OS) Casual	
k.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	58.75 ETs @ \$5,264.68 per ET (\$3,619.00 base rate + \$1,645.68 indexation)	\$309,299.95
	CP26 (Regional OS) Structured	

* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

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

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

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

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

3. Delete Condition No. 27

4. Delete Condition No. 36 and replace with new Condition No. 36A which reads as follows:

36A. Prior to the issue of a Construction Certificate, amended plans will be provided to the Certifier (Council or a Registered Certifier) as per the following:

- (a) The section and elevations plans will be amended to show the clerestory windows as illustrated on Ventilation diagram DA 323 Rev. 3 19 dated 19 February 2024;
- (b) details to demonstrate compliance with the recommendations of the Wind Engineering Commentary (MEL#23138) provided by MEL Consultants and dated 20 February 2024. Specifically, that two operable vertical sides are provided to the clerestory window on perpendicular adjacent surfaces. These openings are to be capable of being operated independently.

REASONS FOR THE DECISION

The development amendment has been considered in accordance with the relevant provisions of the NSW Environmental Planning and Assessment Act 1979 and on balance is suitable to be determined by way of approval.

Community views were considered as part of the assessment in accordance with Council's Development Control Plan and the NSW Environmental Planning and Assessment Act 1979 requirements for public notification.

For further information regarding this matter please contact Judith Evans on (02) 6670 2451.

Yours faithfully

Pooja Chugh
Acting

Enc

AMENDED CONSENT ISSUED 31/5/2024

NOTICE NO. DA22/0408

Environmental Planning and Assessment Act 1979

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
DEFERRED COMMENCEMENT**

To: Azure Project 35 Pty Ltd
C/- Town Planning Alliance (NSW)
PO Box 7657
EAST BRISBANE QLD 4169

Pursuant to Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA22/0408** relating to land described as:

Lot 46 DP 1264557; No. 6 Grand Parade CASUARINA

to be developed in accordance with plans and details submitted for the purpose of –

RESIDENTIAL FLAT BUILDING (78 UNITS) IN 3 X 4 STOREY BLOCKS AND 1 X 2 STOREY BLOCK (NRPP)

The Development Application has been determined by the granting of a "deferred commencement" consent.

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within **6 months** of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 76 of the Environmental Planning and Assessment Regulation subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 and Section 76 of the Regulations

- A. Evidence is to be provided to Council, to the satisfaction of the General Manager or their delegate, that Essential Energy are satisfied that development is able to comply with any and all requirements as specified by Essential Energy. This evidence is to be provided to Council no later than 6 months from the date of this consent.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. DELETED

- 1A. The development shall be completed in accordance with the following plans prepared by Conrad Gargett and dated 15 December 2023, except where varied by the conditions of this consent.

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Ventilation diagram	DA 323 Rev. 3	19 February 2024
Material Palette	DA 220 Rev. 1	19 February 2024

[GEN0005]

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

[GEN0115]

3. The development will comply with the recommendations of the Wind Engineering Commentary (MEL#23138) provided by MEL Consultants and dated 30 February 2024.

[GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

5. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.

[GEN0265]

6. The proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. Any encroachment onto public land will require immediate demolition or removal.

[GEN0300]

7. The underground carpark shall be provided with a system of ventilation in accordance with Performance Requirement FP4.3 of the National Construction Code.

[GENNS01]

8. Works in the vicinity of public infrastructure must comply with the following requirements:
 - a) No portion of any habitable structure may be erected 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.

- b) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, concrete slab with construction joints along the alignment of the sewer easement (or one meter from the sewer if no easement exists) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures, or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
 - c) 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.
 - d) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted within one metre of the sewer if no easement exists to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
 - e) Deep soil planting zones are not permitted within one metre of the sewer if no easement exists to ensure adequate protection of council's public sewer infrastructure.
- [GENNS02]
9. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW Environment Protection Authority "Waste Classification Guidelines".
- The importation of waste to the site is restricted to the following:
- a) Virgin excavated natural material (as defined in Schedule 1 of the Protection of the Environment Operations (POEO) Act);
 - b) Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
- The exportation of waste must be transported to a licenced waste facility or an approved site subject to a resource recovery order and exemption.
- Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifier or Council on request.
10. The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the Biosecurity (Invasive Ant Carriers) Control Order 2023 (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:
- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
 - baled materials;
 - potted plants;

- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

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

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

[GENNS03]

11. All Engineering plans submitted as part of the Development Application are regarded preliminary and not for construction. Future Section 68 approval is required for any works on Council's public infrastructure.

[GENNS04]

12. Minimum sight lines for pedestrian safety are to be provided at the property boundary of the access driveway compliant with AS2890.1:2004 (Figure 3.3).

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. The developer shall provide 174 parking spaces including parking for persons with a disability (as required) and 88 bicycle parking bays in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Provision shall be made for rapid EV charging facilities in two (2) of the visitor spaces as nominated on the plans. The development shall also include the provision of required infrastructure to enable future EV charging facilities to be installed to all residential car parking spaces.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Certifier (Council or a Registered Certifier) with the Construction Certificate application for Building Works or the Subdivision Works Certificate application for Subdivision Works.

[PCC0065]

14. Prior to the issue of a Construction Certificate, 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:
 - a) Hours of work;
 - b) Contact details of site manager;
 - c) Traffic and pedestrian management;

- d) Noise and vibration management;
- e) Construction waste management;
- f) Erosion and sediment control; and,
- g) Flora and fauna management.

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.

[PCC0125]

15. DELETED

15A. Section 7.11 Contributions

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

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

a.	Contribution Plan No 4 - Tweed Road Contribution Plan:	
	297.7 trips @ \$1,596.89 per trip (\$1,145.00 base rate + \$451.89 indexation)	\$475,392.69
	CP04 Road Contributions (7-Duranbah/Cab)	
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	297.7 trips @ \$234.30 per trip (\$168.00 base rate + \$66.30 indexation)	\$69,751.11
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	58.75 ETs @ \$1,214.47 per ET (\$792.00 base rate + \$422.47 indexation)	\$71,350.11
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d.	Contribution Plan No 12 - Bus Shelters:	
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	58.75 ETs @ \$161.74 per ET (\$101.00 base rate + \$60.74 indexation)	\$9,502.22
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f.	Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities:	
	58.75 ETs @ \$2,618.12 per ET (\$1,759.90 base rate + \$858.22 indexation)	\$153,814.55
	CP18 Council Admin Facilities	
g.	Contribution Plan No 19 - Casuarina Beach/Kings Forest:	
	58.75 ETs @ \$3,241.96 per ET (\$3,139.00 base rate + \$102.96 indexation)	\$190,465.15
	CP19 Casuarina Beach Community Facilities	
h.	Contribution Plan No 19 - Casuarina Beach/Kings Forest:	
	58.75 ETs @ \$2,287.33 per ET (\$2,191.00 base rate + \$96.33 indexation)	\$134,380.63
	CP19 Casuarina Beach Open Space	
i.	Contribution Plan No 22 - Cycleways:	
	58.75 ETs @ \$649.74 per ET (\$447.00 base rate + \$202.74 indexation)	\$38,172.22
	CP22 Cycleways	
j.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	58.75 ETs @ \$1,499.92 per ET (\$1,031.00 base rate + \$468.92 indexation)	\$88,120.30
	CP26 (Regional OS) Casual	
k.	Contribution Plan No 26 - Shirewide Regional Open Space:	
	58.75 ETs @ \$5,264.68 per ET (\$3,619.00 base rate + \$1,645.68 indexation)	\$309,299.95
	CP26 (Regional OS) Structured	

* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

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

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

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

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

[PCC0215]

16. 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.

[PCC0265]

17. A detailed Plan of Landscaping containing no priority weed species and with a minimum 80% of total plant numbers comprised of local native species to the Tweed Shire is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. Local native species are to comprise appropriate species selected from the Tweed Shire Native Species Planting Guide available online at:

<http://www.tweed.nsw.gov.au/environment/native-plants-wildlife/native-plants>

The Plan of Landscaping is to be generally in accordance with Landscape Plan for 6 Grand Parade Casuarina (Revision 8) prepared by Laud Ink and dated 15 December 2023. The following amendments are to be provided:

- a) Numbers and location of plant species is to be shown;
- b) Details of fencing in the Casuarina way setback including cross sections.

[PCC0585]

18. Prior to the issue of any construction certificate the applicant is to indicate their compliance with the provisions of the Environmental Noise Assessment Report for 6 Grand Parade, Casuarina prepared by TTM Consulting Pty Ltd dated 18 December 2023 (2GCA0032 R01_5) by providing to the Certifier (Council or Registered Certifier) appropriate details on the building components and systems intended to be used in the construction of the dwelling with the corresponding STC/RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding STC/RW ratings.

[PCC0785]

19. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

Vehicular access off Habitat Drive

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable)

[PCC0895]

20. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or neighbouring private property or within 200mm of the subject site's property boundary, without prior consent from Council or the applicable neighbouring property owner being obtained. If the land is owned by Council, approval is required from the General Manager or his delegate.

Prior to the issue of a Construction Certificate for the basement, the Proponent must enter into a contract regarding liability for the ground anchors and lodge an application under Section 138 of the Roads Act (with applicable fee) plus a bond for each road frontage (as per Council's current fees and charges). This bond will be refunded upon the removal of the ground anchors to the satisfaction of Council. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

[PCC0955]

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

- The construction certificate application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.B2 of Council's Development Design Specification D7 - Stormwater Quality.
- Permanent stormwater quality treatment shall comply with Council's Development Design Specification D7 - Stormwater Quality.
- It is encouraged that Water Sensitive Urban Design principles such as bio-retention facilities in accordance with "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an "end of line" proprietary Gross Pollutant Device.
- Specific requirements to be detailed within the construction certificate application include:
 - o Shake down area shall be installed within the property, immediately prior to any construction vehicles entering or exiting the site, prior to any works being undertaken.
 - o Where possible, runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm, with treatment provisions designed in accordance with Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Engineering details of proposed treatment measures, including maintenance

schedules, shall be submitted with a s68 Stormwater Application for approval before the issue of a construction certificate.

- Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

22. Disposal of stormwater by means of infiltration devices must be carried out in accordance with Section D7.09 of Tweed Shire Council's Development Design and Construction Specification - Stormwater Quality.

Surcharge overflow from the infiltration area to the street gutter must occur by visible surface flow, not piped.

[PCC1125]

23. Stormwater

- Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Certifier (Council or a Registered Certifier) before the issue of a construction certificate. These details shall include likely landscaping within the overland flow paths.
- Disposal of stormwater by means of infiltration devices must be carried out in accordance with Section D7.09 of Tweed Shire Council's Development Design and Construction Specification - Stormwater Quality.
- All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- The infiltration rate for sizing infiltration devices shall be 3m per day:
 - o As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- All infiltration devices are to be located clear of stormwater or sewer easements.

24. 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:
- Any water, sewerage, on site sewerage management system, or stormwater drainage works;
 - Installation of stormwater treatment and quality control devices;
 - Erosion and sediment control works; and

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

[PCC1145]

25. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) 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*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

26. The development is required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by the property owner. Applications for the bulk water meter shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

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

[PCC1185]

27. DELETED

28. Where any existing sewer junctions are to be permanently disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Council and include the payment of fees in accordance with Council's current Fees and Charges.

[PCC1235]

29. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier (Council or a Registered Certifier) prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

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

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

[PCC1310]

30. Prior to the issue of a Construction Certificate the Registered Certifier shall be provided with a National Construction Code compliance report, prepared by a suitably qualified person, which identifies that the means of egress from the underground carpark and Building B satisfies Performance Requirement DP4 of the NCC.
[PCCNS01]
31. The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Environmental Noise Assessment Report for 6 Grand Parade, Casuarina prepared by TTM Consulting Pty Ltd dated 18 December 2023 (2GCA0032 R01_5) have been incorporated into the design. 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.
32. Prior to the issue of a construction certificate, a lighting design plan for the site shall be prepared by a suitably qualified person in accordance with the requirements of AS4282 - *Control of the Obtrusive Effects of Outdoor Lighting* and the recommendations of the Lighting Impact Assessment Report for 6 Grand Parade, Casuarina prepared by ADP Consulting dated 17 August 2023 (BNE0730 Revision: 03) and submitted to the Principal Certifier and Council. Lighting shall be designed and installed to minimise disturbance to neighbouring residences and prevent amenity impacts as a result of light overspill.
[PCCNS02]
33. Prior to issue of a Construction Certificate, a Streetscape Landscaping Plan is required to be submitted to Council for approval which is to form part of the application and approval under s138 of the Roads Act 1993.
 - The plans are to note the existing trees for protection and any street trees for removal and the location and species of their replacement.
 - Replacement trees are to be a local indigenous species that matches the existing in a minimum pot size of 45L that reflect the existing street vegetation and installed in accordance with Council's Development Design Specification D14.08.03C Tree Planting and Location 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.
 - Pathways from the boundary to the main footpath must match the existing materials within the streetscape.
 - All retaining structures are to be wholly within the private lot and not on public land.
[PCCNS03]
34. Prior to the issue of a Construction Certificate a quantitative/volumetric survey shall be undertaken by a practicing registered surveyor and submitted to Council that provides an estimate of material to be removed from the site. The report shall include details of the route of vehicles removing material from the site.
[PCCNS04]

35. Prior to the issue of a Construction Certificate a contribution shall be paid in accordance with the Tweed Shire Heavy Haulage Contributions Plan 32 current at the time of payment. NOTE: At the time of the consent this requires a payment of per tonne of material hauled from the site. This rate is subject to indexing in accordance with Sections 2.10 and 2.11 of the Tweed Shire Heavy Haulage Contributions Plan 2022.

[PCCNS04]

36. DELETED

- 36A. Prior to the issue of a Construction Certificate, amended plans will be provided to the Certifier (Council or a Registered Certifier) as per the following:
- (a) The section and elevations plans will be amended to show the clerestory windows as illustrated on Ventilation diagram DA 323 Rev. 3 19 dated 19 February 2024;
 - (b) details to demonstrate compliance with the recommendations of the Wind Engineering Commentary (MEL#23138) provided by MEL Consultants and dated 20 February 2024. Specifically, that two operable vertical sides are provided to the clerestory window on perpendicular adjacent surfaces. These openings are to be capable of being operated independently.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

37. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifier advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

38. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or a registered certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the

work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifier of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

40. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

41. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2021**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

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

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

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

[PCW0985]

43. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

44. 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).

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.

[PCW1170]

DURING CONSTRUCTION

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

[DUR0005]

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

[DUR0025]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

48. The development shall be carried out in accordance with approved Construction Environmental Management Plan (CEMP) and current NSW Environment Protection Authority construction noise guidelines. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment during demolition and construction works.

[DUR0215]

49. The development shall be carried out in accordance with the provisions of the Environmental Noise Assessment Report for 6 Grand Parade, Casuarina prepared by TTM Consulting Pty Ltd dated 18 December 2023 (2GCA0032 R01_5) or to the satisfaction of Council's General Manager or delegate.

[DUR0275]

50. If window systems to be used are not openable or are required to remain closed in

order to satisfy the requirements of the Environmental Noise Assessment Report for 6 Grand Parade, Casuarina prepared by TTM Consulting Pty Ltd dated 18 December 2023 (2GCA0032 R01_5) then a system of mechanical ventilation complying with the relevant provisions of the NCC 2019 Volume 1 (Amendment 1) shall be installed to service habitable areas.

[DUR0295]

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

[DUR0375]

52. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

53. The Principal Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

54. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with SafeWork NSW requirements and Work Health and Safety Regulation 2017.

[DUR0415]

55. The use of vibratory compaction equipment (other than hand held devices) within 100m of any existing dwelling house, building or structure is strictly prohibited.

[DUR0815]

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

[DUR0905]

57. All vehicle wash-down areas shall be durable, 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.

[DUR0975]

58. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his delegate.

[DUR0985]

59. 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.

[DUR0995]

60. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions,

covering and protection shall be taken to minimise impact from:

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

[DUR1005]

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

[DUR1025]

62. 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*.

[DUR1645]

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

[DUR1685]

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

[DUR1705]

65. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for persons with a disability in accordance with the relevant provisions of AS1428- Design for Access and Mobility. At least one means of accessible water entry/exit shall be provided to the swimming pool in accordance with part D3.10 of the National Construction Code.

[DUR1725]

66. The existing concrete footpath is to be saw cut, removed and dowelled to facilitate the construction of the new concrete driveway access.

[DUR1745]

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

[DUR1795]

68. Where existing kerb or footpath is to be removed for driveway laybacks, stormwater connections, kerb ramps or any other reason, the kerb or footpath must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

69. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance

with Australian Standard AS 1926.1 - 2012 & AS 1926.3 -2010 & AS 1926.2-2007, the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) 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.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pools Regulation 2008.
- (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

70. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

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

[DUR2185]

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

[DUR2195]

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

[DUR2425]

74. 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.

[DUR2445]

75. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

76. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
[DUR2495]
77. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR2505]
78. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
[DUR2535]
79. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
[DUR2545]
80. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or persons with a disability; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
[DUR2555]
81. The Applicant shall submit and obtain approval for a property service and/or water meter for existing Lot 46 DP 1264557, from the existing 150mm water main in Habitat Drive. The connection shall be undertaken by Tweed Shire Council, with all the applicable costs and application fees paid by the applicant.
[DUR2800]
82. Encroachment of the development into Council land during construction or access via Council land during construction is prohibited. No fencing, storage of material, plant or equipment or the like is permitted on adjoining public land. If access is required across public land during construction, separate approval must be sought prior from Council.
[DURNS01]
83. Unless approval for removal is granted from Council's Parks and Active Communities Unit, existing trees and landscaping within the road reserve and public land are to be retained and protected during construction. Where existing trees within the road reserve cannot be adequately retained and protected and approval is granted for replacement, street trees are to be replaced with a local indigenous species in a 45L pot. Where the landscaping is damaged, it is to be repaired or replaced to the satisfaction of Council's General Manager or their delegate in accordance with Council's Development Design Specifications and Standard Drawings.
[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

84. Prior to 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.

[POC0005]

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

[POC0205]

86. An occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

87. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the Principal Certifier; and
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

88. Prior to 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.

[POC0435]

89. Prior to 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.

[POC0745]

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

[POC0755]

91. 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.

[POC0905]

92. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent

Stormwater Quality Control Devices.

[POC0985]

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

[POC1045]

94. The proprietor of a premises with a public swimming pool or spa pool as defined in Section 34 of the *Public Health Act 2010* shall provide notification to Council prior to the commencement of operations and pay the appropriate fee under Council's schedule of fees and charges.

[POC1095]

95. The swimming pool or spa is required to be registered at www.swimmingpoolregister.nsw.gov.au prior to the issue of any occupation certificate for the swimming pool or spa.

[POC1100]

96. 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.

[POCNS01]

97. 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.

[POCNS02]

98. Prior to issue of an Occupation Certificate any damage caused to public infrastructure (e.g. roads, footpaths, water and sewer mains, power and telephone services, etc.) during construction of the development shall be repaired in accordance with Council's Development Design & Construction Specifications.

[POCNS03]

99. All approved landscaping works in the road reserve must be completed in accordance with the approved Streetscape Landscaping Plan to the satisfaction of the General Manager or his delegate PRIOR to the issue of an Occupation Certificate for the relevant Stage.

All approved landscaping works onsite must be completed in accordance with the approved Landscaping Plan to the satisfaction of the General Manager or his delegate PRIOR to the issue of an Occupation Certificate for the relevant Stage.

Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.

[POCNS03]

100. The proprietor of a premises with a cooling water system or warm-water system shall provide appropriate notification to Council prior to commencement of operations by submitting NSW Health's Approved Form 6 available at www.health.nsw.gov.au/environment/legionellacontrol/Pages/legionella-protocols.aspx <<http://www.health.nsw.gov.au/environment/legionellacontrol/Pages/legionella-protocols.aspx>>. Cooling water systems shall be accompanied by a Risk Management

Plan on Approved Form 1.

101. Prior to an Occupation Certificate being issued, a Post Construction Noise Impact Compliance Assessment report prepared by a suitably qualified acoustic consultant shall be submitted for consideration and approval by Council's General Manager or delegate.

The assessment report shall consider the Environmental Noise Assessment Report for 6 Grand Parade, Casuarina prepared by TTM Consulting Pty Ltd dated 18 December 2023 (2GCA0032 R01_5), approved building components and mechanical designs, and any addendum(s) or amendment(s) to these reports as approved by Council's General Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant.

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.

102. Prior to the Occupation Certificate being issued, lighting installed or proposed within the subject site shall be reviewed by a suitably qualified person to confirm that the lighting meets or will meet the requirements of *AS4282 - Control of the Obtrusive Effects of Outdoor Lighting* and the recommendations of lighting design plan. Written confirmation shall be submitted to the satisfaction of Council's General Manager or delegate.

[POCNS04]

103. Prior to the issue of an Occupation Certificate, the applicant shall submit for the approval of the General Manager or his delegate, an Operational Management Plan to manage the risk associated with charging electric bikes and electric scooters on site, which may include the installation of fire safe charging stations, and the maintenance of a register of e-bike/e-scooter owners.

[POCNS05]

USE

104. 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 and odours or the like.

[USE0125]

105. 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 onsite or 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.

[USE0175]

106. All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday or Public Holidays unless otherwise approved by Council's General Manager or delegate.

[USE0195]

107. All externally mounted artificial lighting, including security lighting, shall comply with Australian Standard AS4282:2019 *Control of the obtrusive effects of outdoor lighting* and be shielded to the satisfaction of Council's General Manager or delegate where necessary or required to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. Externally mounted lighting shall not spill beyond the boundary of the site.

[USE0225]

108. The servicing of waste facilities, including the movement of waste bins to and from the basement to kerbside or ground level storage areas, 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.

[USE0285]

109. The development shall be carried out in accordance with the provisions of the Environmental Noise Assessment Report for 6 Grand Parade, Casuarina prepared by TTM Consulting Pty Ltd dated 18 December 2023 (2GCA0032 R01_5) and approved Post Construction Noise Impact Compliance Assessment report or to the satisfaction of Council's General Manager or delegate.

[USE0305]

110. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

111. 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".

[USE0845]

112. All wastes shall be collected, stored, and disposed of in accordance with the approved Operational Waste Management Plan prepared by TTM and dated 18 December 2023, with the exception that Council does not make any commitments that Council will be responsible for transferring bulk waste bins from private property to the kerbside as indicated in Section 2.5 of the Waste Management Plan.

[USE0875]

113. 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*.

[USE0945]

114. 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.

[USE0985]

115. Swimming Pools (Building)

- (a) 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).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pools Act 1992).
- (c) Warning notices required under Part 3 of the Swimming Pools Regulation 2008 shall be maintained at all times.

[USE1295]

116. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE1305]

117. 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 **NSW Protection of the Environment Operations (Noise Control) Regulation 2017**.

[USE1510]

118. The use of outdoor recreational areas including the swimming pool is limited to between 7.00am to 6.00pm daily unless otherwise approved by Council's General Manager or delegate.

119. Staff must monitor all activities to minimise disturbance to onsite and neighbouring residents and a site manager contact number shall be made available on a 24 hour basis to respond to complaints or emergencies.

120. All vehicle wash-down areas shall be durable, 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.

121. All grates or other protective covers in the handstand and access driveway must be rigidly fixed in position and maintained to prevent amenity impacts to onsite and neighbouring residents.

122. Landscaping 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 plan for the life of the development.

[USENS01]

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The application was determined on: **19 March 2024**

The consent to lapse 5 years from the date this consent becomes operative unless commenced prior to that date.

REVIEW OF DETERMINATION

For a determination other than for designated development you are entitled to request reconsideration of this determination under Section 8.3 of the Environmental Planning and Assessment Act, 1979. The request for review of the determination must be submitted on the NSW Planning Portal. The fees payable are specified in Schedule 4 and determined in accordance with Part 13 of the Environmental Planning and Assessment Regulation 2021.

The request for a review may be made at any time:

- a) prior to the time limited for the making of an appeal under Section 8.7 expires, if no such appeal is made against the determination, or
- b) prior to an appeal under Section 8.7 against the determination is disposed of by the Court, if such an appeal is made against the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court.

Signed on behalf of the Tweed Shire Council

Valerie Conway, Team Leader Development Assessment
22 March 2024