

Council Reference: DA11/0499 LN73904  
Your Reference:

2 March 2012

Ausjendia Pty Ltd  
C/- Darryl Anderson Consulting Pty Ltd  
Suite 7 Corporate House  
8 Corporation Circuit  
TWEED HEADS SOUTH NSW 2486

Dear Sir/Madam

**Development Application DA11/0499 - medical centre including specialist consultation (eg speech pathology), pharmacy, kiosk and administration facilities at Lot 5 DP 1113248; No. 33-35 Corporation Circuit TWEED HEADS SOUTH**

Reference is made to your Development Application regarding the above. Please find enclosed Development Consent No. DA11/0499.

Your attention, in particular, is drawn to Condition No. 16 & 17 of the attached Consent, which requires the payment of applicable contributions prior to the issue of a construction certificate.

For further information regarding this matter please contact Denise Galle on (02) 6670 2459.

Yours faithfully

**Lindsay McGavin**  
Manager Development Assessment  
Enc

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

To: Ausjendia Pty Ltd  
C/- Darryl Anderson Consulting Pty Ltd  
Suite 7 Corporate House  
8 Corporation Circuit  
TWEED HEADS SOUTH NSW 2486

Pursuant to Section 81(1)(a) of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA11/0499** relating to land described as:

**Lot 5 DP 1113248; No. 33-35 Corporation Circuit TWEED HEADS SOUTH**

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

**MEDICAL CENTRE INCLUDING SPECIALIST CONSULTATION (EG SPEECH PATHOLOGY), PHARMACY, KIOSK AND ADMINISTRATION FACILITIES**

The Development Application has been determined by the granting of consent subject to the conditions described below:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and
  - Plan Nos SK101 Revision D prepared by Fulton Trotter Architects and dated 20/12/2011;
  - Plan Nos SK102 Revision D prepared by Fulton Trotter Architects and dated 20/12/2011;
  - Plan Nos SK301 Revision C prepared by Fulton Trotter Architects and dated 12/10/2011;
  - Plan Nos SK302 Revision C prepared by Fulton Trotter Architects and dated 12/10/2011;except where varied by the conditions of this consent. [GEN0005]
2. Advertising structures/signs not included as part of DA11/0499 to be the subject of a separate development application (where statutorily required). [GEN0065]
3. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts. [GEN0075]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]

5. 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.
6. Sewer manholes are present on this site. These manholes are not to be covered with soil or other material. [GEN0135]  
Should adjustments be required to the sewer manholes, then an application shall be made to Council's Community and Natural Resources Division for approval of such works. [GEN0155]
7. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Council's adopted Fees and Charges. [GEN0190]
8. 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 the road reserve. 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. [GEN0245]
9. The development is to be carried out in accordance with Council's Development Design and Construction Specifications. [GEN0265]
10. Stormwater management shall be in general accordance with the Stormwater Management Plan prepared by Cozens Regan Williams Prove Pty Ltd dated 09/11, except where varied by the conditions of this consent. [GENNS01]
11. No vehicle larger than a standard Design Service Vehicle (8.8m - Rigid vehicle) as defined in Austroads Design Vehicles and Turning Path Templates (1995) shall service the site. [GENNS02]
12. The proposed security gates shall be installed to restrict vehicle access to the rear of the building (eastern boundary) after 6pm only. Security gates are not to restrict vehicle access (to be left opened) during business hours, prior to 6pm. A maximum of 40 car parks shall be restricted by the security gates. [GENNS03]
13. Geotechnical investigations, inspections and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Geotechnical Assessment, reference BT 20812-1 and dated September 2011 except where varied by the conditions of this consent. [GENNS04]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

14. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority **PRIOR** to the issue of a Construction Certificate.

15. In accordance with The Tweed GP Super Clinic Traffic Impact Assessment prepared by Bitzios dated December 2011 the developer shall provide a minimum of 82 parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. The disabled spaces are to be located in areas that are permanently accessible.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a building construction certificate.

[PCC0065]

16. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the S94 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 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- |   |           |
|---|-----------|
| (a) Tweed Road Contribution Plan:<br>318.33 Trips @ \$1318 per Trips<br><br>(\$1318 base rate + \$0 indexation)<br>S94 Plan No. 4<br><br>Sector2_4  | \$419559  |
| (b) Extensions to Council Administration Offices<br>& Technical Support Facilities<br>1.098669 ET @ \$1772.82 per ET<br><br>(\$1759.9 base rate + \$12.9199999999998 indexation)<br>S94 Plan No. 18 | \$1947.74 |

[PCC0215/PSC0175]

17. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 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.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless

all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP4: 10.73331 ET @ \$11571 per ET \$124195.1

Sewer Banora: 16.68993 ET @ \$5560 per ET \$92796

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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

**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.

18. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment. [PCC0265/PSC0165]

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

19. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate. [PCC0275]

20. All earthworks shall be graded at a minimum of 1% so that the site drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties. [PCC0465]

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

21. 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 engineering plans and specifications undertaken in accordance with [PCC0485]

Councils Development Design and Construction Specifications for the following required works: -

- (a) Provision of two (2) access driveways as shown on Figure Number 001 Version B by Bitzios Consulting and in accordance with Section A2 – “*Site Access and Parking Code*” of Council's consolidated Tweed Development Control Plan and Council's “*Driveway Access to Property – Part 1*” Design Specification June 2004.

The access driveways shall provide the required 2m x 2m “sight triangle” envelope.

Bitumen or concrete sealing of each access from the existing road carriageway to the property boundary.

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

[PCC0895]

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

- (a) 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 D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) The stormwater and site works may incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (e) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
- (f) 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. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 – *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- (g) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

23. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

24. 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]

25. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

26. The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Environmental Noise Impact Report for Lot 5 DP1113248 prepared by CRG Traffic & Acoustics P/L dated 28 September 2011 (crgref : 11308a) 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.

[PCCNS01]

27. Prior to a construction certificate being issued, a Noise Management Plan for Construction Works prepared by a qualified and practicing acoustic consultant shall be submitted to the satisfaction of Council's General Manager or delegate.

[PCCNS02]

28. Prior to the construction certificate being issued plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:
- Floor plan, sectional elevations in two directions
  - Layout of kitchens and bar showing all equipment
  - All internal finish details including benches and work surfaces, floors, wall, ceiling and lighting
  - Hydraulic design in particular method of disposal of trade waste
  - Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
  - Servery areas including counters etc.
29. A revised detailed plan of landscaping with a minimum 80% of total plant numbers comprised of local native species and no noxious or environmental weed species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. When deciding on the species selection, you shall take into account the size of the area in which you wish to plant them. Trees (including tuckeroos require an undisturbed (no hardstand areas) area of 4m and shrubs/grasses an undisturbed (no hardstand areas) area of 2m. Consideration must be given to root growth and maintenance issues. The revised plan should discuss these design aspects. [PCCNS03]
30. Prior to issue of a construction certificate the applicant is to submit detailed fit out plans for the pathology, dental, radiology and pharmacy tenancies to the PCA. The fitout must comply with the Tweed GP Super Clinic Traffic Impact Assessment prepared by Bitzios dated December 2011 in regard to the number of approved consulting rooms which are; [PCCNS04]
- pathology (1 consulting room only)
  - dental (2 consulting rooms only)
  - radiology (2 consulting rooms only) and
  - pharmacy (180m<sup>2</sup>)

[PCCNS05]

#### **PRIOR TO COMMENCEMENT OF WORK**

31. 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 Certifying Authority 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]
32. The erection of a building in accordance with a development consent must not be commenced until:
- 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 an accredited certifier, and
  - the person having the benefit of the development consent has:
    - appointed a principal certifying authority for the building work, and
    - notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and



- (c) the principal certifying authority 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 certifying authority 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]
33. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
- [PCW0225]
34. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (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]
35. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, 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 certifying authority 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]
36. 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 to the satisfaction of the Principal Certifying Authority.

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]

37. 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]

## DURING CONSTRUCTION

38. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

39. Construction and/or demolition site work including the entering and leaving of 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]

40. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

41. The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of an occupation certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35). In addition wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

42. 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]
43. 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]
44. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
- [DUR0405]
45. 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 WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- [DUR0415]
46. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
47. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.
- Please note timber retaining walls are not permitted.
- [DUR0835]
48. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
- [DUR0985]
49. 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 from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.
- [DUR0995]
50. 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]
51. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

52. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer **and** tiled to a height of at least 2 meters.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

53. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

54. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

55. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

56. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

57. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Councils Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation.

[DUR1575]

58. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

59. The walls and floors of the premises must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned.

[DUR1615]

60. The walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

61. 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]

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

[DUR1705]

63. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

64. 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]

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

[DUR1875]

66. Where existing kerb or footpath is to be removed for driveway laybacks, stormwater connections, pram 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.

There is an existing access (vehicle crossing) into the site via layback kerb at approximately half way on the property frontage in Corporation Drive. The existing vehicle crossing is to be re-kerbed to existing kerbed conditions on site.

[DUR1905]

67. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

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

[DUR1945]

69. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

70. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

71. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.

72. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate. [DUR2215]
73. 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 and Operations Division to arrange a suitable inspection. [DUR2425]
74. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction: [DUR2445]
- (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.
75. Plumbing [DUR2485]
- (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 NSW Code of Practice for Plumbing and Drainage.
76. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2495]
77. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [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. [DUR2515]
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. [DUR2535]
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:- [DUR2545]
- \* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50°C in all other classes of buildings.

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

81. All works shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for Lot 5 DP1113248 prepared by CRG Traffic & Acoustics P/L dated 28 September 2011 (crgref : 11308a) and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate. [DUR2555]
82. All works shall be carried out in accordance with the provisions of the approved Noise Management Plan for Construction Works and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate. [DURNS01]
83. During the course of construction and fitout of the kitchen/food premises a set of drawings approved and issued by Council's Environmental Health Services Unit is to be kept onsite at all times. [DURNS02]

### **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 approved management plans or the like shall be completed in accordance with those conditions or plans. [DURNS03]
85. Prior to the issue of an Occupation Certificate a defect liability bond (in cash **or** unlimited time Bank Guarantee) shall be lodged with Council. [POC0005]
- The bond shall be based on 5% of the value of the civil works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act as set out in Councils Fees and Charges current at the time of payment which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.
86. 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 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0165]
87. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval. [POC0205]
88. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124. [POC0615]
89. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request. [POC0625]
90. 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. [POC0635]

[POC0745]

91. 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]

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

The assessment report shall consider the Environmental Noise Impact Report for Lot 5 DP1113248 prepared by CRG Traffic & Acoustics P/L dated 28 September 2011 (crgref : 11308a) 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.

[POCNS01]

94. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[POCNS02]

## USE

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

[USE0125]

96. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his 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]

97. Hours of operation of the business are restricted to the following hours :

- \* 7.00am to 10.00pm - Mondays to Fridays
- \* 7.00am to 5.00pm - Weekends and Public Holidays

[USE0185]

98. All deliveries and pickups relating to the business are to occur within the approved hours :

- \* 7.00am to 6.00pm - Mondays to Fridays
- \* 7.00am to 1.00pm - Saturdays

[USE0185]

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99. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
100. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [USE0225]
101. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval. [USE0735]
102. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements. [USE0835]
103. All wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate. [USE0845]
104. The premises shall be maintained in a clean and tidy manner. [USE0875]
105. Clinical wastes shall be separated from the general waste stream and disposed via a clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes to the satisfaction of the General Manager or his delegate. [USE0965]
106. A sharps container shall be provided for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected by an authorised medical waste collection service to the satisfaction of Council's General Manager or his delegate. [USE0995]
107. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW. [USE1025]
108. The Dental Surgery shall comply with the requirements of the NSW Department of Environment and Climate Change, the Radiation Control Act 1990, and the NSW Department of Environment and Climate change's Radiation Guideline 6 - Registration Requirements and Industry Best Practice for Ionising Radiation Apparatus Used in Diagnostic Imaging – Part 3 – Dentistry (including Maxillofacial) known as the "Dentistry Radiation Guideline" in the Radiation Control Regulation 2003. [USE1035]
109. Prior to the use of any ionising or non-ionising radiation apparatus and/or any radioactive substance the applicant shall obtain a licence under the relevant provisions of the Radiation Control Act 1990 from the appropriate authority. The owner of any radiation apparatus or sealed source device shall also ensure that where required under the provisions of the Radiation Control Act 1990 that such device or apparatus is registered with the appropriate authority. [USE1095]

[USE1100]

110. On completion of work, a certificate signed by a practicing NPER civil engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice.

111. On completion of work, a certificate signed by a practicing Geotechnical Engineer is to be submitted to the Principal Certifying Authority to certify compliance of structural fill material, including recommendations in the Geotechnical Report reference BT 20812-1 and good engineering practice.

[USENS01]

[USENS02]

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: **2 March 2012**  
The consent to operate from: **2 March 2012**  
The consent to lapse on 2 March 2017 unless commenced prior to that date.

## **RIGHT OF APPEAL**

If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

### **Signed on behalf of the Tweed Shire Council**

Lindsay McGavin, Manager Development Assessment  
2 March 2012

Copy to TSC Financial Services Unit

## SECTION 94, SECTION 64 AND OTHER DEVELOPER CONTRIBUTIONS SHEET

**THIS FORM MUST ACCOMPANY PAYMENT OF CONTRIBUTIONS TO  
COUNCIL**

**Development:** medical centre including specialist consultation (eg speech pathology), pharmacy, kiosk and administration facilities

**Development Consent No.:** DA11/0499

**Location:** Lot 5 DP 1113248; No. 33-35 Corporation Circuit TWEED HEADS SOUTH

**Applicant:** Ausjendia Pty Ltd  
C/- Darryl Anderson Consulting Pty Ltd  
Suite 7 Corporate House  
8 Corporation Circuit  
TWEED HEADS SOUTH NSW 2486

**Owner:** Ausjendia Pty Ltd

**Date:** 2 March 2012

**Paid by:**

Contribution Payable	S94 Contribution Plan Number/ Sector	Area CP5 Only	Units/lots or rate/ha	Rate (valid until _/_/_)	Amount	Rate at Time of Payment after _/_/_)	Amount at Time of Payment \$	Receipt Number	Charge Control	Bank Account
WATER HEADWORKS	S64		10.73331ET @ \$11,571.00	2/3/2013	\$124,195.10				WaterDSP4	40
SEWERAGE HEADWORKS	S64		16.68993ET @ \$5,560.00	2/3/2013	\$92,796.00				SewerBnora	85
TRCP - TWEED SOUTH	4/2		318.33Trips @ \$1,318.00	2/3/2013	\$419,559.00				Sector2_4	1
COUNCIL ADMIN - TECH SUPPORT	18		1.098669ET @ \$1,772.82	2/3/2013	\$1,947.74				Shirewide	1
<b>TOTAL AMOUNT DUE</b>					<b>\$638,497.84</b>					

**Please forward receipt to**

**Name:** .....

**Address:** .....

.....

**NOTE: REFER TO SEPARATE FEE SHEET FOR APPLICATION FEES**

Original Contribution Amounts	Prepared by:	-----	-----	-----
		Signature	print name	date
	Checked by:	-----	-----	-----
		Signature	print name	date
Amended Contribution Amounts	Prepared by:	-----	-----	-----
		Signature	print name	date
	Original/amended amounts Checked & Certified by: (to enable SC release/BA release/CC release) (Authorised Council <sup>(1)</sup> Officer)	-----	-----	-----
		Signature	print name	date

**Note: Authorised Council Officers are: -**

- \* **Town Planners**
- \* **Subdivision Engineers**
- \* **Building Surveyors**

**PROCEDURE FOR ISSUE OF CERTIFICATE OF COMPLIANCE**  
In accordance with Clause 64, Local Government Act, 1993 and Chapter 6, Part 2,  
Division 5 Water Management Act 2000

## DETAILS

**Applicant:** Ausjendia Pty Ltd  
C/- Darryl Anderson Consulting Pty Ltd  
Suite 7 Corporate House  
8 Corporation Circuit  
TWEED HEADS SOUTH NSW 2486

**Description of Development:** medical centre including specialist consultation (eg speech pathology), pharmacy, kiosk and administration facilities at Lot 5 DP 1113248; No. 33-35 Corporation Circuit TWEED HEADS SOUTH

**Date of Council Approval:** 2 March 2012

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## APPLICATION

To: The General Manager

Application is hereby made for a Certificate of Compliance under Part 2, Division 5, Clause 305 of the Water Management Act 2000, in respect of the consent/approval issued by Council.

Signature of Applicant

Date

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## NOTICE OF COUNCIL'S REQUIREMENTS UNDER PART 2, DIVISION 5, CLAUSE 306 OF THE WATER MANAGEMENT ACT 2000

Works required: a) *Water and Sewer headworks augmentation*

Contributions required: a) Water - \$124195.1  
Sewer - \$92796

**Note:** *The fees and charges quoted above will remain fixed for a period of twelve (12) months from the date of Development Consent No. DA11/0499, dated 2 March 2012 and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.*

**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.*

General Manager

Date

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## CERTIFICATE OF COMPLIANCE

**Part 2, Division 5, Clause 307 of the Water Management Act 2000**

This is to certify that water supply and sewerage works have been carried out, or security provided to Council's satisfaction for their completion and such other contributions have been paid or secured to satisfy notice of Council's requirements in respect of water supply and sewerage for the abovementioned consent dated 2 March 2012 on file DA11/0499.

General Manager

Date