

Notes

Condition 1

Plan No DA4 Dwg No: 7'11 (Basement Plan) prepared by Summerland Design and dated 24 April 2012 is not included in this condition as amendments are required to the layout in relation to parking. This is referred to in the Council report.

Condition 6

A restriction to user has been retained to take into account exclusive Tourist Accommodation use of Units 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 20, 21, 22, 23 and 24.

Conditions 12 and 13

Amended contribution charges for the proposed development effective 1 July 2012 are an estimate only based upon the current proposal and are subject to change.

Contribution calculations assume that Units 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 20, 21, 22, 23 and 24 will be retained exclusively for Tourist Accommodation use.

Section 64 and Section 94 contributions take into account existing credit for 10 long-term and 15 short-term sites at the Caravan Park.

Section 64 (water and sewer) contribution rates are applicable and clearly define long-term and short-term use on caravan park sites.

Section 94 contribution rates rely upon all caravan sites being considered '1 – bedroom'. A trip rate has been adopted from the Gold Coast City plan at 2 trips per day per site as the TSC Plan No. 4 has no equivalent use.

Proposed charges take into account a total number of 24 proposed multi-dwelling units. As Council prefers 15 to be nominated as Tourist Accommodation, nine units are considered to be for exclusive residential use. Calculations are based on the 'multi-dwelling' rate which takes into account the number of bedrooms within each unit. In this case, six units are three-bedroom and 18 units are two-bedroom.

The following Section 94 plans apply:

- Plan No. 4 (TRCP)
- Plan No. 5 (Local Open Space) - structured does not apply to Tourist Accommodation
- Plan No. 11 (Libraries)
- Plan No. 12 (Bus Shelters) – does not apply to Tourist Accommodation
- Plan No. 13 (Cemeteries) – does not apply to Tourist Accommodation
- Plan No. 15 (Community Facilities)
- Plan No. 18 (Council Admin)
- Plan No. 22 (Cycleways)
- Plan No. 26 (Regional Open Space) – structured does not apply to Tourist Accommodation

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
 - Plan No DA3 Dwg No: 7'11 (Site Plan) prepared by Summerland Design and dated 24 April 2012

Recommended Amended Conditions of Approval (MP09_0016)

- Plan No DA5 Dwg No: 7'11 (Ground Floor Plan) prepared by Summerland Design and dated 24 April 2012
- Plan No DA6 Dwg No: 7'11 (First Floor Plan) prepared by Summerland Design and dated 24 April 2012
- Plan No DA7 Dwg No: 7'11 (Second Floor Plan) prepared by Summerland Design and dated 24 April 2012
- Plan No DA9 Dwg No: 7'11 (East Elevation/North Elevation) prepared by Summerland Design and dated 24 April 2012
- Plan No DA10 Dwg No: 7'11 (West Elevation/South Elevation) prepared by Summerland Design and dated 24 April 2012

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. 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.

[GEN0135]

4. 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 Councils adopted Fees and Charges.

[GEN0190]

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

[GEN0265]

6. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
 - (a) Identification of exclusive tourist accommodation use of Units 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 20, 21, 22, 23 and 24 in perpetuity of the proposed development.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the

Recommended Amended Conditions of Approval (MP09_0016)

Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to the PCA confirming registration of the restriction as to user.

[GENNS01]

7. Prior to commencement of the closure of the park an approved plan of management shall be implemented addressing the diminishment of the caravan park over the period of closure to ensure all occupants have access to reasonable and adequate community facilities and services as required under the Local Government Act and its relevant Regulation. A copy of the plan shall be provided to Tweed Shire Council prior to its implementation.

[GENNS02]

8. The development is required to ensure that rainwater inflow to the sewer system from all sources is prevented.

[GENNS03]

9. The proposed Car Wash Bay must be constructed of pervious material. This bay must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for appropriate use. Any surface run-off must drain into soft landscaping areas. Discharge into the piped drainage system is not accepted.

[GENNS04]

10. No dewatering is permitted without the prior written approval of Tweed Shire Council.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. The developer shall provide the following parking facilities including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.
 - A minimum of 40 car parking spaces for the 9 Residential and 15 dual use Residential / Tourist accommodation,
 - A minimum of 6 visitor car spaces with unrestricted access,
 - 1 designated delivery space, suitable for deliveries from a SRV (Small Rigid Vehicle) in accordance with Council's DCP - Section A2 - Site Access and Parking Code. This space may be shared with the proposed Car Wash Bay, provided it is appropriately sized.
 - 1 designated parking space for staff managing the dual use (Tourist and Residential) units.
 - Storage for a minimum of 2 bicycles per unit.

Note - Council will only accept tandem car parks if each pair of tandem spaces is allocated to an individual unit, with priority being given to nominated 3 bedroom units.

Full design detail of the proposed parking and maneuvering areas shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Note, access to the basement car park must be designed accordingly to provide sufficient height clearance to allow appropriate vehicles to access the basement stormwater treatment device for servicing or the building proper must provide acceptable alternative access facilities.

[PCC0065]

12. 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:

43.6 Trips @ \$1155 per Trips \$41293.56*

(\$1145 base rate + \$10 indexation)

S94 Plan No. 4

Sector7_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con TRCP - Heavy} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

Recommended Amended Conditions of Approval (MP09_0016)

\$Con TRCP - Heavy heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

(b) Open Space (Casual):

4.457 ET @ \$526 per ET \$1922.08*

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

(c) Open Space (Structured):

6.8748 ET @ \$602 per ET \$3393.98*

(\$575 base rate + \$27 indexation)

S94 Plan No. 5

(d) Shirewide Library Facilities:

4.457 ET @ \$816 per ET \$2982.34*

(\$792 base rate + \$24 indexation)

S94 Plan No. 11

(e) Bus Shelters:

6.8748 ET @ \$62 per ET \$349.32*

(\$60 base rate + \$2 indexation)

S94 Plan No. 12

(f) Eviron Cemetery:

6.8748 ET @ \$121 per ET \$682.24*

(\$101 base rate + \$20 indexation)

S94 Plan No. 13

(g) Community Facilities (Tweed Coast - North)

4.457 ET @ \$1352 per ET \$4941.32*

(\$1305.6 base rate + \$46.4 indexation)

S94 Plan No. 15

Recommended Amended Conditions of Approval (MP09_0016)

- (h) Extensions to Council Administration Offices
& Technical Support Facilities
4.457 ET @ \$1812.62 per ET \$6654.11*
(\$1759.9 base rate + \$52.72 indexation)
S94 Plan No. 18
- (i) Cycleways:
4.457 ET @ \$460 per ET \$1701.5*
(\$447 base rate + \$13 indexation)
S94 Plan No. 22
- (j) Regional Open Space (Casual)
4.457 ET @ \$1064 per ET \$3935.86*
(\$1031 base rate + \$33 indexation)
S94 Plan No. 26
- (k) Regional Open Space (Structured):
6.8748 ET @ \$3730 per ET \$21283.69*
(\$3619 base rate + \$111 indexation)
S94 Plan No. 26

* 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.

[PCC0215]

13. 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 DSP6:	4.1 ET @ \$12150 per ET	\$49815
Sewer Hastings Point:	5.5 ET @ \$5838 per ET	\$32109

Recommended Amended Conditions of Approval (MP09_0016)

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.

[PCC0265]

14. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

15. 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.

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.

[PCC0485]

16. The basement car parking is to be protected against localised stormwater runoff down Cypress Crescent.

Any installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 *"National Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions"*.

[PCC0685]

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

- (a) Provision of an access for unit development, 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 shall provide the required 2m x 2m "sight triangle" envelope.

Recommended Amended Conditions of Approval (MP09_0016)

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]

18. Any sheet piling that utilises ground anchors that extend under public roads or public land must not be used unless the applicant or owner enter into a contract regarding liability for the ground anchors and lodges an application under Section 138 of the Roads Act together with an application fee of \$10,000 and a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

Council will not permit ground anchors within private property, without prior consent from the property owner being obtained.

[PCC0955]

19. 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

Recommended Amended Conditions of Approval (MP09_0016)

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.

[PCC1105]

20. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

21. 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]

22. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

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

[PCC1165]

23. Medium density developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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

[PCC1185]

24. Prior to the issue of a Construction Certificate, applications shall be lodged together with any prescribed fees including inspection fees and approved by

Recommended Amended Conditions of Approval (MP09_0016)

Tweed Shire Council under Section 68 of the Local Government Act for any of the following works including (but not limited to);

- a. water,
 - Disconnection of existing water meters and provision of a Bulk meter. The meter is to be installed by Council at the Developer's expense,
- b. sewerage,
- c. drainage works, including;
 - the connection of a private stormwater drain to a public stormwater drain,
 - the extension of the piped stormwater infrastructure within Cypress Crescent in general accordance with Cozens Regan Williams Prove Pty Ltd's Drawing No. Sk.3 Issue B.
 - the installation of stormwater quality control devices,
 - erosion and sediment control works.

[PCC1195]

25. The Section 68 application for stormwater must be accompanied by a hydraulic assessment detailing the capacity of the downstream pipe and kerb and gutter drainage network in Cypress Crescent. Appropriate on-site detention of roof runoff shall be provided, as required, to ensure that the development does not exceed the capacity of the downstream drainage network.

[PCCNS01]

26. Due to the position of the site adjacent a significant coastal Nature Reserve, a detailed landscape plan is required prior to the issue of construction certificate in which all species are chosen from Tweed Shire Council's *Native Species Plant List and Planting Guide* and selecting species only from the vegetation community and soil type specific to the site location.

[PCCNS02]

27. Prior to issue of the construction certificate for the construction of the development, certification shall be obtained from an acoustic consultant certifying the units have been designed in accordance with the Acoustic Report prepared by TTM Group dated 16 March 2012 Reference Number 11GCA0046 R01_1 Acoustic Report.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

28. 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]

29. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or

Recommended Amended Conditions of Approval (MP09_0016)

plans.

[PCW0015]

30. 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 an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) 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]

31. 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]

32. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part

Recommended Amended Conditions of Approval (MP09_0016)

6 of that Act,

- (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

33. 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]

34. **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]

35. 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 any 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.

Recommended Amended Conditions of Approval (MP09_0016)

[PCW0985]

36. 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]

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

[PCW1135]

38. Prior to the commencement of works, the applicant shall make arrangements with Council for the replacement of the top of sewer manhole BBL/4 with a Class D lid suitable for heavy traffic. The lid shall be such that it is flush with the proposed driveway. The replacement shall be at the proponent's expense.

[PCWNS01]

39. Application shall be made to Council under Section 68 of the Local Government Act "Sewer Junction Installation/Disconnection or Alteration" for the disconnection of the existing sewer into the property and installation of a sewer junction in a suitable location.

[PCWNS02]

DURING CONSTRUCTION

40. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

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

[DUR0015]

42. The provision of 54 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

43. 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]

44. 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

Recommended Amended Conditions of Approval (MP09_0016)

Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

45. 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]

46. 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]

47. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

48. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

50. 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]

51. 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]

52. 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 an Occupation Certificate.

[DUR0995]

Recommended Amended Conditions of Approval (MP09_0016)

53. 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]

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

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

55. 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]

56. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

57. 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 building.

[DUR1875]

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

[DUR1905]

59. 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]

60. The builder must provide an adequate trade waste service to ensure that all

Recommended Amended Conditions of Approval (MP09_0016)

waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

61. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".

[DUR2195]

62. 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.

[DUR2445]

63. 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]

64. 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 NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

65. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

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

[DUR2525]

67. 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]

68. 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]

Recommended Amended Conditions of Approval (MP09_0016)

69. 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:-

- * 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.

[DUR2555]

70. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter.

[DUR2615]

71. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

72. 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.

[POC0005]

73. 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).

[POC0205]

74. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

75. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

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

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

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

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

Recommended Amended Conditions of Approval (MP09_0016)

[POC0265]

76. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

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

[POC0475]

78. 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]

79. 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]

80. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

[POC0855]

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

[POC0865]

82. 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]

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

[POC1045]

84. 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.

[POCNS01]

85. Prior to the issue of any Occupation Certificate, Works as Executed Plans of all infrastructure intended to be dedicated to Council, shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting

Recommended Amended Conditions of Approval (MP09_0016)

Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[POCNS02]

86. Prior to the issue of an occupation certificate for the use of the swimming pool, the owner is to register the swimming pool with Tweed Shire Council, in the approved format, and pay the appropriate fee as adopted within Council's Revenue Policy. The registration shall be maintained for as long as the pool is in operation.

[POCNS03]

87. Prior to issue of the occupation certificate for the development, certification shall be obtained from an acoustic consultant certifying the units have been constructed in accordance with the Acoustic Report prepared by TTM Group dated 16 March 2012 Reference Number 11GCA0046 R01_1 Acoustic Report.

[POCNS04]

USE

88. 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]

89. 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.

[USE0225]