

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 176-04-2003
(FILE NO. S03/01645)

**DEMOLITION OF EXISTING STRUCTURES ON SITE AND CONSTRUCTION OF A
NEW BUILDING COMPRISING 57 TOURIST ACCOMMODATION
APPARTMENTS, GROUND FLOOR COMMERCIAL TENANCIES AND
BASEMENT CAR PARKING**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No. 71, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To encourage good urban design and a high standard of architecture;
- (2) To maintain the amenity of the local area; and
- (3) To preserve the unique scenic qualities and character of the NSW coastline.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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I, the Minister assisting the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 10 of State Environmental Planning Policy No. 71, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (4) To encourage good urban design and a high standard of architecture;
- (5) To maintain the amenity of the local area; and
- (6) To preserve the unique scenic qualities and character of the NSW coastline.

Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1**PART A—TABLE**

Application made by:	Resort Corp Cabarita P/L C/- PPG P/L Cnr Burra & Adori Streets Chevron Island, Surfers Paradise, QLD, 9726
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 176-04-2003
On land comprising:	Lot 1 DP 247808 Pandanus Parade, Cabarita
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$18.75 million
Type of development:	State Significant Development Integrated Development
S.119 Public inquiry held:	No
BCA building class:	Class 3
Approval Body / Bodies:	Department of Infrastructure, Planning and Natural Resources Rural Fire Service Tweed Shire Council
Determination made on:	
Determination:	Development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 176-04-2003***Responsibility for other approvals / agreements***

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies were imposed in accordance with Tweed Section 94 Plan.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Resort Corp Cabarita P/L any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Tweed Shire Council.

DA No. 176-04-2003 means the development application and supporting documentation submitted by the applicant on 28 April 2003.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 176-04-2003****PART A - ADMINISTRATIVE CONDITIONS*****Development Description***

1. Development consent is granted only to carrying out the development described in detail below:
 - A. Demolition of existing structures on site and construction of a new building comprising 57 tourist accommodation apartments, ground floor commercial tenancies and basement car parking.

Development in Accordance with Plans

2. The development shall be generally in accordance with development application number DA No. 176-04-2003 submitted by the applicant on 28 April 2003, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled “<i>The Beach – proposed Tourist Accommodation & Commercial Development</i>”, prepared by <i>Darryl Anderson Consulting Pty Ltd</i>, dated April 2003.			
Architectural Drawings prepared by <i>Pacific Projects Group</i> (Job No. D02-007)			
Drawing No.	Revision	Name of Plan	Date
DA-1.00	C	SITE PLAN	February 2003
DA-1.01	D	BASEMENT – OVERVIEW	January 2003
DA-1.02	D	GROUND FLOOR – OVERVIEW	January 2003
DA-1.03	D	TENANCY LEVEL – OVERVIEW	January 2003
DA-1.04	D	LEVEL 1 – OVERVIEW	January 2003
DA-1.05	C	LEVEL 2 – OVERVIEW	January 2003
DA-1.06	C	LEVEL 3 – OVERVIEW	January 2003
DA-1.07	C	LEVEL 4 – OVERVIEW	January 2003
DA-1.08	C	ROOF PLAN – OVERVIEW	January 2003
DA-4.01	D	SECTION A-A & B-B	January 2003
DA-4.02	C	SECTION C-C & D-D	January 2003
DA-3.01	D	NORTH EAST & SOUTH WEST ELEVATIONS	January 2003
DA-3.02	C	NORTH WEST & SOUTH EAST ELEVATIONS	January 2003
Landscape Drawings prepared by <i>Imagine Design Group</i>			
Drawing No.	Revision	Name of Plan	Date
LCP-02		Landscape Concept Plan Internal Courtyard	03/2003

Surrender of Consent

3. In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant shall, prior to the issue of a construction certificate for this consent and in the manner prescribed by Clause 97 of the Regulation, surrender the development consents described below:

Development Application No. 0323/2001DA (issued by Tweed Shire Council)	
Development Description	Demolition of the existing building and structures and construction of a new 3 storey building comprising a hotel, restaurant, bottle shop, retail shops, conference/gym facility and 61 tourist accommodation units.
Date	21 June 2002

Prescribed Conditions

4. The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B - GENERAL

5. The apartments are to be used only for the purpose of tourist accommodation, as specified on the development application form. In this regard, a covenant restricting use is to be placed on the title of each tourist accommodation lot restricting the stay of users within each unit to 40 continuous days.
6. In order to ensure that the amenity of adjoining residential properties is preserved, the roof areas above Units 401, 402, 403 & 404 and Units 301, 302 & 303 are NOT to be used as roof decks/terraces and are to be accessible only for the purposes of maintenance and repairs.
7. The proposed external materials and finishes, including colours, are to be in accordance with the submitted finishes schedule and coloured elevations received by the Department on 12 March 2004.

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

8. A detailed landscape plan is to be submitted and approved by the Director of Development Services Tweed Shire Council **prior to the commencement of work**. The plan shall incorporate native plants endemic to the area. The existing Pandanus Palm along the southern boundary is to be retained and protected during construction. Landscaping shall be completed in accordance with the approved plans prior to occupation of the building and to the satisfaction of the Director of Development Services.
9. The design of the proposed privacy screen to the southern length of the outdoor terrace to unit 4.04 is to be constructed in consultation with the southern neighbours, whose bedroom window and deck is located directly opposite, and to the satisfaction of the Director of Development Services, Tweed Shire Council.
10. The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

11. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.
12. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
13. In pursuance of 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.
14. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
15. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
16. 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
 - (b1) 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
 - (b2) 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.
17. Prior to issue of a construction certificate, the applicant shall submit suitable advice from the proponents insurers that their insurance policy contains appropriate extension provisions to cover loss or damage to persons or property involved during the construction process.

18. A legal agreement as between the Applicant Owner its successors and assigns and Tweed Shire Council in relation to ground anchors being installed within Council controlled property and within the Coastal Reserve Trust property is to be executed by all parties and all necessary steps be fulfilled for enforcement of such agreement before the issuing of a Construction Certificate.
19. A payment of \$10,000 is to be made to the Tweed Coast Reserves Trust prior to issue of the construction certificate for the granting of the approval to use the Reserve for the installation of ground anchors in association with the construction of the development.
20. The applicant is to lodge an unconditional bond with the Tweed Coast Reserves Trust, actionable at the Trusts sole discretion in the sum of \$25,000 and payable to the Trust in the event that the ground anchors are not completely removed from the Reserve for any reason. This may be actioned by the Trust 3 months after completion of construction or 12 months after the installation of the anchors or that Resort Corp Cabarita Pty Ltd lodges a non-refundable payment of \$25,000 to the Trust if it is not intended to remove the anchors.
21. Prior to the issue of a construction certificate, the applicant must submit to the Director of Development Services, Tweed Shire Council, a satisfactory project management plan under the Occupational Health and Safety Act to cover any risk on the Council Reserve.
22. The public car park is to be open to enable public access. No gates or doors are to be installed which would prevent access to the public car park within approved trading hours.
23. The car park including bicycle storage is to be constructed in accordance with Development Control Plan No. 2 Site Access and Parking Code.
24. All works shall comply with the Acid Sulfate Management Plan, Cozens, Regan, Williams, Prove, January 2003.
25. The premises shall be constructed and operated strictly in accordance with the Beach at Cabarita Noise Impact Assessment, VIPAC, February 2003. Certification shall be provided to Council from an acoustic consultant, upon completion and prior to occupation of the building, that the various building elements (windows, roof/ceiling/floors and walls) have been constructed in accordance with this Noise Impact Assessment.
26. A Dilapidation Report detailing the current structural condition of the adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the Principal Certifying Authority and should be compared with the earlier report to ascertain if any change has occurred

A copy of both reports is to be forwarded to the Director and the relevant council.

27. In order to ensure that vehicles exit the site in a safe manner, a suitable traffic control device e.g., signage, speed hump, line marking, etc. shall be installed and shall be clearly visible at the upper threshold of the driveway. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

28. The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car parking allocation	Number
Tourist accommodation car parking spaces	119
Retail/commercial car parking spaces	71

29. A minimum of 66 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
30. The gym and swimming pool facilities are only to be used by guests staying in the tourist accommodation units.
31. Any car park floodlighting shall not spill beyond the boundaries of the site.
32. **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.

These charges 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. Open Space (Casual)
S94 Plan No. 5 | \$6,600 |
| b. Emergency Facilities (Surf Lifesaving)
(REMSHIRE)
S94 Plan No. 16 | \$2,961 |
| c. Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$5,044.33 |
| d. Cycleways
S94 Plan No. 22 | \$6,448 |
| e. Regional Open Space (Casual)
S94 Plan No. 26 | \$8,734 |

33. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which

shall be submitted to and approved by the Director of Environment and Community Services of Tweed Council **PRIOR** to the commencement of works.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

34. 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 section 68 of the Local Government Act 1993.

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.

35. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.

36. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

37. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

38. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and

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

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

39. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
40. 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.

41. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of

the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

42. 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.
43. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of any proposed kitchen exhaust system, where relevant. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.
44. 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.
45. 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 Council prior to any discharge to sewer being commenced.
46. Prior to commencement of building works the applicant shall provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
47. Trade Waste application fee will be applicable as per Councils Fees and Charges.
48. Prior to the commencement of any demolition works all house drainage and water lines are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.
49. 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 or complying development certificate was made).
50. 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 1742-1991 (Manual for 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.
51. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
 - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
52. 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.

53. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
54. 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.
55. 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 Occupation Certificate.
56. 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 Authority.
57. 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.
58. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
59. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place,a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.
60. Provision to be made for the designation of a car wash-down area/s within the basement car park. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
61. All fire service connections are to be compatible with those of the NSW Fire Brigade.
62. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
63. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such signage and symbols must comply with the requirements of Australian Standard AS 1428 Parts

1 and 2.

64. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
65. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4
66. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.
67. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
68. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation
69. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
70. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
71. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
72. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
73. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
74. 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.

L10 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.

L10 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.

75. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
76. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
77. The burning of builders waste on site by open fire is prohibited.
78. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
79. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
80. 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.
81. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work. 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.
82. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
83. Area below the spa is to be graded, drained and ventilated.
84. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
85. 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.
86. 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.

87. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
88. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
89. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
90. The site shall not be dewatered and the watertable shall not be lowered.
91. Further Development Application(s) are to be submitted for the first use of the shops and commercial tenancies, such to be approved by Council prior to their use or occupation.
92. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
93. A person must not commence occupation or use of the whole or any part of a new building (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).
94. 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.

95. No items or goods are to be stored or displayed outside the confines of the premises.
96. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
97. 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, fumes or the like.
98. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
99. Footpath dining activities shall not be conducted on the road reserve without a footpath dining agreement having been submitted to and approved by Council.
100. All wastes shall be collected, stored and disposed in accordance with the requirements of the Director of Environment and Community Services, Tweed Shire Council. In this regard, a satisfactory waste management plan is to be submitted for approval prior to occupation.
101. Washing of any vehicles shall be conducted strictly within the approved designated vehicle wash bays.
102. The swimming pool and spa shall be maintained in accordance with the Public Swimming pool and Spa Pool Guidelines, NSW Health, June 1996.
103. Noise from air conditioning or other plant shall not be permitted to unreasonably impact on the amenity of any other premise. Acoustic attenuation barriers shall be provided to the satisfaction of the Director of Environment and Community Services, Tweed Shire Council where noise levels exceed acceptable noise limits (relevant to background).
104. The pool/spa operation hours and usage shall not be permitted to detrimentally impact the amenity of any premise.
105. Any activity or operation within the premises which have the potential to impact unreasonably on other premises by way of noise including delivery of vehicles shall be limited to the hours of 7.00am to 10.00pm daily.

PART C - GENERAL TERMS

Rural Fire Service

106. A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service – Planning & Environmental Services for approval prior to occupation. The evacuation plan is to detail the following:
 - a) Under what circumstances will the complex be evacuated.
 - b) Where will all persons be evacuated to.
 - c) Roles and responsibilities of persons co-ordinating the evacuation.
 - d) Roles and responsibilities of persons remaining with the complex after evacuation.
 - e) A procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the consent authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the consent authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's Policy.
- (2) Structural certification prepared and signed by an suitably qualified practising structural engineer.

The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN5 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:

- (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN6 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

