

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 43-3-2005****(FILE NO. 9039513-2)****“CITIMARK” – MIXED-USE MULTI-STOREY DEVELOPMENT
LOTS 2–7 DP 224382, LOTS 1 & 2 DP 759009, LOT 23 DP 776673, 1 BAY
STREET, 4 THOMPSON STREET, 13 – 19 ENID STREET TWEED HEADS**

I, the Minister for Planning, pursuant to Sections 80 (1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 10(2) of *State Environmental Planning Policy No. 71 – Coastal Protection* 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 protect the coastal environment and amenity of the locality;
- (2) To confirm and clarify the terms of development consent;
- (3) To advise of matters to be resolved prior to the commencement of works;
- (4) To encourage good urban design and a high standard of architecture;
- (5) To encourage appropriate provision of landscaping to enhance the external appearance of the development and maintain privacy to adjoining properties;
- (6) To maintain the amenity of the local area;
- (7) To ensure compliance with relevant statutory provisions, including the Environmental Planning and Assessment Act and Regulation plus the Building Code of Australia;
- (8) To ensure the requirements of Approval Bodies, other government agencies, service providers and Council are adhered to;
- (9) To ensure the provision of the necessary infrastructure and utility services commensurate with the development without additional demands on public sector resources;
- (10) To ensure relevant environmental standards are met during the construction and operation of the development;
- (11) To ensure public safety and health is not compromised during construction and operation of the development;
- (12) To ensure appropriate amenity, safety and health for residents and occupants of the development;
- (13) To indicate other approvals required for the development; and
- (14) To ensure development occurs on the basis on which it was assessed.

Frank Sartor MP
Minister for Planning

Sydney, 9 December 2006

SCHEDULE 1**PART A—TABLE**

Application made by:	Planit Consulting on behalf of Citi mark Properties PO Box 1623 KINGSCLIFF NSW 2487
Application made to:	Minister for Planning
Development Application:	DA 43-3-2005
On land comprising:	Lots 2–7 DP 224382, Lots 1 & 2 DP 759009, Lot 23 DP 776673, 1 Bay Street, 4 Thompson Street, 13 – 19 Enid Street TWEED HEADS NSW 2487
Local Government Area	Tweed
For the carrying out of:	A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$60 million
Type of development:	State Significant Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Not Integrated
Determination made on:	9 December 2006
Determination:	A 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: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2 specifies otherwise, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 43-3-2005***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 are imposed in accordance with Section 94 of the Act and the relevant Tweed Heads Section 94 Plans. A copy of the Section 94 contribution plans may be inspected at the following locations during its normal business hours:

- (1) Civic and Cultural Centres, Tumbulgum Road, Murwillumbah NSW; and
- (2) Brett Street, Tweed Heads.

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).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means Planit Consulting or 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. 43-3-2005 means the development application and supporting documentation submitted by the Applicant on 8 March 2005.

Department means the Department of Planning or its successors.

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

Minister means the Minister for 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 Regulation, 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. 43-3-2005****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

- (1) Construction of a mixed-use residential and commercial development consisting of a continuous 1 to 4 storey podium stretching across both the Bay and Enid Street frontages and 3 tower developments, as follows:
 - a. 3 main towers comprising 201 residential apartments (21,222 sqm GFA) and 4 ground floor commercial tenancies fronting Enid Street and Bay Street (468 sqm GFA), in the following arrangement:
 - Enid Street tower (Building A) (10 storeys, MAX RL 36.70m AHD);
 - Bay Street tower at the corner of Bay and Enid Streets Building B (16 storeys, MAX RL 54.10m AHD);
 - Thompson Street tower at corner of Thompson and Bay Streets Building C (16 storeys, MAX RL 57.0m AHD); and
 - b. 352 car parking spaces inclusive of 2 loading bays over 3 levels;
 - c. manager's office located on the ground floor and communal residential facilities including pool, spa, gym and function room;
 - d. landscaping;
 - e. provision of services to the site; and
 - f. public domain works including the following:
 - reticulation of electricity supply underground within the immediate vicinity of the site (Bay, Thompson and Enid Streets) at the Applicant's expense;
 - replacement and widening of footpaths within both Bay and Enid Streets, subject to consultation and approval from Council; and
 - provision of significant street plantings, streetscaping and features including water feature and relevant plantings within the intersection of Bay and Enid Streets.

A1A Staging

The development is to be constructed in three stages as indicated in Section 75W application submitted in July 2015 as follows:

- 1) Stage 1A will comprise the construction of Enid Street tower (Building A) including:

- a. 47 units over 8 levels commencing at Podium Level
 - b. Stage 1a landscaping to the podium as per the application plan.
 - c. The southern swimming pool
 - d. Carparking for 99 vehicles (including 10 tandem spaces).
 - e. 2 service vehicle spaces (SRV)
 - f. Entrance lobbies to building A
 - g. New sub-station and service areas
 - h. Streetscaping on the Enid Street Frontage adjacent to Building A.
- 2) Stage 1B will comprise the construction of the following:
- a. 4 units over 2 levels commencing at Podium Level
 - b. Stage 1a landscaping to the podium as per the application plan
 - c. The northern swimming pool
 - d. Car parking for 6 vehicles
 - e. Entrance lobby to Building B
 - f. Streetscaping on the Enid Street Frontage adjacent to Building A.
- 3) Stage 2A- will comprise the construction of the Basement, Ground and Level 1 areas of the Bay Street Tower (Building B) including:
- a. carparking for 137 vehicles (including 24 tandem spaces)
 - b. The pedestrian entry to the podium from Bay Street
- 3)4) Stage 2B will comprise the construction of construction of Bay Street tower (Building B) including:
- a. 3 Commercial Tenancies at ground Level
 - b. 74 units over 14 levels commencing at Level 1
 - c. Stage 2 landscaping to the podium as per the application plan
 - d. Carparking for 137 vehicles (including 24 tandem spaces)
 - e. The pedestrian entry to the podium from Bay Street
 - f.d. Streetscaping on the Bay Street and Enid Street Frontages adjacent to Building B.
- 5) Stage 3A will comprise of the construction of the Basement, Ground and Level 1 of the Thompson Street tower (Building C) including carparking for 110 vehicles including 19 tandem spaces
- 4)6) Stage 3B will comprise of the construction of the Thompson street tower (Building C) including 76 units over 15 levels commencing at Podium Level and a ground floor commercial tenancy and car parking for 110 vehicles including 19 tandem spaces.

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Due to the arrangement of carparking spaces the Stages of the development are to be constructed in number order. Stage 2A and Stage 3A can be constructed simultaneously.

A2 Development in Accordance with Plans

A2 Development in Accordance with Plans

The development shall be in accordance with development application number DA 433- 2005 submitted by the Applicant on 8 March 2005 and revision B submitted 9 November 2006 including the Statement of Environmental Effects prepared by Planit Consulting Pty Ltd, dated November 2006 as amended by the Section 75W Modification submitted on 18 August 2015, Response to submissions dated 25 September 2015, supplementary information dated 23 October 2015, Section 75W Modification submitted on 22 September 2016, Response to submissions dated 9 November 2016, Section 75W Modification submitted on 9 August 2017, Response to submission dated 16 October 2017, addendum advice dated 15 November 2017 29 November 2017 11 December 2017 12 December 2017 and 29 January 2018, and in accordance with the following.

Statement of Environmental Effects entitled Proposed Mixed-Use Multi-Storey Development at Lots 2 to 7 DP 224382, Lots 1 & 2 Section 5 DP 759009 and Lot 23 DP 776673, 13 - 19 Enid Street, 4 Thompson Street and 1 Bay Street, Tweed Heads prepared by DAC Consulting Pty Ltd, dated August 2015 and supplementary reports dated 22 September 2015 and 23 October 2015.			
Architectural Drawings prepared by Heran Building Group dated 10 June 2015			
Drawing No	Issue	Name of Plan	Date
01.00	Q4	Cover Sheet	10.6.2015 28.05.18
01.01	Q4	Area Schedule	10.6.2015 28.05.18
01.02	Q4	Site Analysis Plan	10.6.2015 28.05.18
01.03	Q4	Site Context Section	10.6.2015 28.05.18
02.02	Q4	Basement Level Plan	08.09.16 28.05.18
02.03	Q4	Ground Level Plan	23.11.16 28.05.18
02.04	Q4	Level 1 Plan	28.05.18 28.05.18
02.05	Q4	Level 2 Podium Plan	04.11.16 28.05.18
02.06	Q4	Level 3 Plan	04.11.16 28.05.18
02.07	Q4	Level 4 Plan	04.11.16 28.05.18
02.08	Q4	Level 5-9 Plan	04.11.16 28.05.18
02.09	Q4	Level 10-15 Plan	04.11.16 28.05.18
02.10	Q4	Level 16 Plan	04.11.16 28.05.18
02.11	Q4	Roof Plan	04.11.16 28.05.18
03.01	Q4	Street Elevation - East	10.6.2015 28.05.18
03.02	Q4	Street Elevation - North	10.6.2015 28.05.18
03.03	Q4	Street Elevation - West	10.6.2015 28.05.18
03.04	Q4	Elevation South — Tower A	10.6.2015 28.05.18
03.05	Q4	Elevation North — Tower A	10.6.2015

			28.05.18 17.02.18
03.06	Q N	Elevation South — Towers B & c	10.6.2015 407690-4-5 28.05.18 17.02.18
03.07	Q N	Elevation East — Tower C	10.6.2015 28.05.18 17.02.18
03.08	Q N	Elevation West — Towers A & B	4-0769045 10.6.2015 28.05.18 17.02.18
04.01	Q N	Section A	10.6.2015 28.05.18 17.02.18
04.02	Q N	Section B	10.6.2015 28.05.18 17.02.18
04.03	Q N	Section C	10.6.2015 28.05.18 17.02.18
04.04	Q N	Section D	10.6.2015 28.05.18 17.02.18

Landscape Drawings and report prepared by Boyds Bay Planning dated 4 June 2015

Traffic Report prepared by TTM dated 1 June 2015 as amended

except for as otherwise provided by the conditions of this consent.

A3 *Inconsistency between documents*

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 *Prescribed Conditions*

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

A5 *Exclusion – Other Uses*

The use of any of the premises other than those nominated on the approved plans and approved by this consent shall be subject to separate development consent from Council.

A6 *Exclusion – Retail Tenancies*

The fitout and operation of the retail tenancies approved by this consent shall be subject to separate development consent from Council. Detailed drawings showing equipment, shop fittings, the mechanical exhaust ventilation system and internal shop finishes are to be submitted to Council for further analysis, comment and approval prior to the commencement of any internal fitout.

A7 *Exclusion – Signage*

Advertising structures/signs shall be subject to separate development consent from Council, where statutorily required.

A8 *Exclusions – Approvals*

This consent does not give approval for demolition of existing structures or strata titling which will be subject to separate development approval by Council.

A9 *Use of Function Room and Gymnasium*

The Function Room and Gymnasium located on the ground floor at the Enid Street shall be used only by residents of the development and their guests and are not allowed to be used by members of the general public.

END OF PART A.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***Design Details and Changes*****B2 Additional Details**

In order to achieve the recommendations in the Wind Report prepared by Windtech Consultants dated 31 January 2005, all balustrades on the south and south-west facing balconies/terraces must have a minimum height of 1.2 metres and be constructed from an impermeable material.

Details of compliance with this condition shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for Stages 1A, 1B, 2A, 2B, and 3A and 3B.

B2B Additional Details- Acoustic Impact

The Noise Impact Assessment, prepared by Palmer Acoustics (Palmer) Pty Ltd, must be updated by a suitably qualified consultant to address potential noise impacts associated with the revised building layout approved under MOD 5, including noise transmission between residential uses and commercial uses. The updated Noise Impact Assessment shall be submitted to and approved by the Certifying Authority, prior to the release of the relevant Construction Certificate.

The Proponent must implement all measures recommended in the approved Noise Impact Assessment/s.

B4 Reflectivity

- (1) 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.
- (2) All 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.
- (3) A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stages 1A and 1B above ground works and Stages 1A, 1B, 2A, 2B, 3A and 3B, Stage 1A, 1B, 2 and 3.

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B5 Outdoor Lighting

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*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 1 above ground works.

B6 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate for Stage 1 above ground works, the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B7 Treatment of Vehicular Entry

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of the vehicular entry point that is visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible. Details of compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 below ground works.

B8 Swimming Pool and Spa

- (1) The swimming pool is to be installed and access thereto restricted in accordance with Council's Code for the Installation of New Swimming Pools and Australian Standard AS1926-1986.
- (2) For safety, access to the swimming pool and spa must be restricted by fencing or other measures as described by the Swimming Pools Act 1992. The fencing or other measures must be completed before any water is placed in the pool.
- (3) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property, including a public place.
- (4) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed on the roof of any building where it is visible from a public place.
- (5) Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS3500.2 section 10.9. In the event that Council is not utilised as the inspection / certifying authority, within seven (7) days of filling the pool, a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of consent and the swimming pool safety fencing has been installed and complies with AS1926.

B9 Disabled Access

- (1) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy.
- (2) Prior to the issue of a Construction Certificate for Stage 1 above ground works, an access report, prepared by an appropriately qualified person shall be provided to the satisfaction of the Certifying Authority.
- (3) Where a building or part of a building is required, under the provisions of Section D of the BCA, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols will be provided to identify routes, areas and facilities. The signage is to be in accordance with the relevant provisions of the BCA and AS 1428.
- (4) Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with AS 1428.4.
- (5) In order to ensure that the proposed design of the pool deck and barbeque area complies with the relevant disability access requirements including use of suitable surface materials and access, the abovementioned report will make particular comment on the design of these areas. If this report concludes that the current design of these areas does not comply, amended plans showing compliance, along with a final access report prepared by the same access consultant, shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for Stages 1A, 1B, 2A, 2B, 3A and 3B.~~Stages 1A, 1B, 2 and 3.~~
- (6) Car parking spaces designated under this consent for people with disabilities are to be provided at the rates provided for under Part D3.5 of the BCA and constructed in accordance with the provisions of the AS 2890.1.

B10 Garbage Area

- (1) A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
- (2) 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.

Remediation / Earthworks**B11A Acid Sulfate Soil Management Plan**

A detailed Acid Sulfate Soil Management Plan for the site shall be prepared by a suitable qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall cover the entire site and be submitted to the satisfaction of the certifying Authority prior to the issue of any Construction Certificate for Stage 1 below ground works.

B12 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 below ground works.

B13 Pre-Construction Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 below ground works.

A copy of the report is to be forwarded to the Director-General and Council.

B14 Geotechnical Assessment

Prior to the issue of a Construction Certificate for Stage 1 below ground works, a full geotechnical assessment of the site is to be carried out and a report submitted to Council for approval. The report must include recommendations relating to site stability, proposed on-site excavation works including temporary and permanent retention methods proposed for the protection of adjacent structures, foundation design parameters, construction theories, as well as any other geotechnical matters of relevance relating to the proposed development.

Application for Construction Certificate**B15 Erosion and Sediment Control Plan**

The application for Construction Certificate for Stage 1 below ground works must include a detailed Erosion and Sediment Control Plan (ESCP) for the construction phase of the development, prepared in accordance with section D7.07 of *Tweed Shire Council Aus-Spec D7 Stormwater Quality*.

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 below ground works.

B16 Remediation

A detailed review of the additional sampling results obtained by HMC Environmental Consulting shall be undertaken by a qualified and practicing environmental consultant in accordance with NSW EPA guidelines and Council's Contaminated Land Policy, and along with any necessary amendments to the Remediation Plan, shall be prepared and submitted to the Certifying Authority for consideration and approval prior to the construction certificate for Stage 1 below ground works being issued.

All contamination reports and additional information shall include a clear statement from the consultant as to the suitability or otherwise of the subject site for the proposed use.

B16A Noise

Prior to the issue of any Construction Certificate a satisfactory Acoustic Assessment prepared by a suitable qualified person is to be submitted to and approved by the Certifying Authority. The assessment is to be prepared in accordance with the requirements of Protection of the Environment Operations Act 1997 and guidelines of the NSW EPA Environmental noise Control Manual addressing the following as a minimum:

- (1) Identification of the specific activities that will be carried out and associated noise sources;
- (2) An assessment of likely noise generation levels for key construction phases of the development;

- (3) Description of management methods and procedures and specific noise mitigation treatment that will be implemented to control noise and vibration during construction and post-occupation such as noise attenuation measures being incorporated into the development including compliance with AS 2021-2000.
- (4) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (5) Measures to receive, record and respond to complaints;
- (6) Measures to monitor and report against noise performance;
- (7) Mitigation measures and treatments; and
- (8) The operation of all retail areas, including any external areas.

B17 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 1 below ground works. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

B18 Stormwater Management Plan

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

- (1) The Construction Certificate Application for Stage 1 below ground works 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*.
- (2) 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*.
- (3) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (4) The basement car park and driveway areas require stormwater treatment in accordance with Section 7.12.2 of *Development Design Specification D7 - Stormwater Quality*, with engineering details of treatment devices to be submitted with a separate s68 Stormwater Application, for approval prior to issue of a Construction Certificate.
- (5) Undercover/basement car wash bays must be bunded to prevent contamination of stormwater runoff, and discharge to sewer as trade waste, requiring a separate Tweed Shire Council Trade Waste Application.

B19 Approval under Section 68 of the Local Government Act 1993

- (1) A separate s68 Local Government Act application shall be submitted to Council for all works and connection to the public sewer, for approval prior to the issue of the relevant Construction Certificate for Stage 1 below ground works. The s68 application must be accompanied with detailed engineering plans of the sewer works in accordance with the following:
 - a) Relocation of the public sewer through the basement level in accordance with the following requirements:
 - i. Unrestricted access to the sewer main must be available for Council at all times. Access must be available for plant up to 2.4m height;
 - ii. The sewer must be in an open area, with no enclosed rooms, goods, waste bins, materials, fixed plant or machinery, structures or anything that may inhibit Council staff or equipment access to the sewer. Resident and visitor carparking is permitted below the sewer main. Option "C" from the Bornhorst & Ward Information Response #3 (3 July 2006) provides a generally acceptable arrangement for the realigned sewer and surrounding structures, except where varied by these conditions;
 - iii. The realigned sewer shall be located within a 3m wide easement, benefiting Council, that extends from floor to ceiling of the basement level;
 - iv. The sewer must be readily accessible, securely fixed to the basement ceiling, and protected against the risk of damage from persons and vehicles. An acceptable arrangement is the installation of vehicle stops limiting vehicle heights to 2.4m within the basement. Protective cages and the like installed around the pipe are not suitable as they inhibit maintenance access;
 - v. The relocated portion of the main shall be replaced with ductile iron epoxy lined pipe;

- vi. Each pipe piece penetrating the external basement wall is to be ductile iron epoxy lined, fitted with a centrally mounted puddle flange, and cast into the wall on line level and grade to match the existing sewer network;
 - vii. A Council standard sewer manhole (or approved alternative) shall be installed at the termination of the public sewer and at all sewer deviations external to the basement. A minimum of two flexible joints is required between an external wall and a manhole. No pipe deviations are permitted within the basement;
 - viii. The existing sewer connection for 8 Thomson Street (Lot 1 DP 807785) shall be diverted to a new manhole at the upstream termination of the relocated sewer main;
 - ix. No sewer junctions servicing external properties are permitted within the basement;
 - x. All private connections to the realigned public sewer must be in accordance with Council's plumbing and BCA requirements, and require inspection by Council's Building Services Unit;
 - xi. Provide three (3) copies of plan, long section and cross-sectional details of the realigned pipe for assessment by Council's Engineering & Operations Division;
 - xii. The sewer relocation works must include all necessary measures, such as bypass pumping, to maintain continuous sewerage services for the duration of the works for all properties in the locality serviced by this public sewer. If this requires access to and works on private land, written consent of the affected landholder is required.
- b) Sewer relocation works as described in (a) will not be necessary in the case that Council advises the applicant in writing that the sewer connection for the adjoining unit block at 8 Thomson Street (Lot 1 DP 807785) has been relocated, rendering the public sewer traversing the development site redundant. Should this occur, the development works shall include the decommissioning of the public sewer upstream of sewer manhole BJ/3 in Enid Street. Council shall undertake all design and construction work associated with this option, however the costs of undertaking these works will be transferred to the developer.
- c) A reflux valve shall be required on any sewer fixtures located within the basement.
- (2) A Construction Certificate application for works that involve any of the following:
- a) connection of a private stormwater drain to a public stormwater drain;
 - b) installation of stormwater quality control devices;
 - c) 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.

B20 Sewer Junctions

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 Council and include the payment of fees in accordance with Council's adopted fees and charges.

B21 Cut and Fill

Construction Certificate drawings for Stage 1 below ground works shall make provisions for the regrading of the subject site in accordance with Council's relevant policies or plans and to the satisfaction of the Council's Director, Engineering and Operations Division.

B22 Waste Management

A Waste Management Plan shall be submitted to Council for review and approval prior to the issue of the Construction Certificate for Stage 1 below ground works.

Traffic & Parking**B23 Traffic Control Devices**

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, traffic signals, 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 for Stage 1 above ground works.

B24 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below.

Car Parking Allocation	Stage 1A	Stage1B	Stage 2A	Stage 3A	Total
Resident Car Parking	60	6	96	91	253
Tandem spaces	10		24	19	53
Disabled	3		3		6
Residential Visitors	21				21
Car wash/ Residential	3				3
Loading Bay	2				2
Commercial			14		14
Totals	99	6	137	110	352

B25 Number of Bicycle Spaces

A minimum of 20 bicycle spaces are to be provided for the development. Bicycle parking facilities are to be provided in accordance with AS 2890.3 for class 3 facilities. Details shall

be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 1 above ground works.

B26A Car Park and Service Vehicle Layout

- (1) A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Certifying Authority prior to issue of the Construction Certificate for Stage 1 below ground works. Safe public access shall be provided at all times.
- (2) The vehicular access off Enid Street must be provided 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 Council's Director, Engineering and Operations. Twenty- four (24) hours' notice is to be given to Council's Engineering and Operations 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.
- (3) The layout of the car park shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking* All parking spaces are to be line marked;
- (4) The provisions of AS2980.1 will also apply to limiting the driveway to a maximum grade of 5% for the first 6 metres past the property boundary within the site; and
- (5) The layout of the car park must be designed so all vehicles using the area will be able to enter and leave the site in a forward direction.
- (6) All nominated tandem spaces are to be marked out on site, clearly showing the spaces corresponding to the unit numbers. Each tandem space may only be allocated to a single residential unit.
- (7) All customer and staff parking for the ground floor retail tenancies are to be located on level 0 only.

Detailed demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for Stage 1 above grounds works.

B27 Car Park Entry Doors

In order to ensure that acoustic impacts on surrounding owners and occupiers are minimised, the car park door shall be designed and constructed for quiet operation. The Applicant shall submit details that meet this objective to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 above ground works.

Landscaping

B28A Landscape Plan

A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B above ground works. The landscaping plans are to be in accordance with the approved Landscape Design and use suitable local native species in accordance with Council's coastal species list.

B29 Irrigation

In order to ensure minimal irrigation water use and reduce mains consumption throughout the development, the Applicant shall ensure that the landscaping scheme includes the selection of drought resistant plants and low water demand plants where possible. Prior to the issue of the Construction Certificate for Stage 1 above ground works, the Applicant shall submit to the Certifying Authority a statement from a suitably qualified person demonstrating compliance with the requirements of this condition.

B30 Landscaping works

Any proposed landscaping works within swale drains, over infiltration trenches and pits, or within the existing sewer easement, must not impede the free flow of water nor restrict Council's access to the sewer main.

Ecologically Sustainable Development (ESD) – Residential

B31 NatHERS Rating – Multi-Unit Housing

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3 stars.

Prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B above ground works, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B32 Council's DCP 39

All dwellings are to fully comply with Council's DCP 2008, Section A9- Energy Smart Homes Policy. The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B, ~~2 and 3.~~

B33 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B above ground works.

B34 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B above ground works.

B35 Clotheslines and Clothes Dryers

- (1) The Applicant shall submit to the Certifying Authority prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B above ground works, a plan and written statement identifying those units to have clothes drying lines installed that are:
 - (a) not visible from the public domain, and
 - (b) preferably on secondary balconies or secondary areas of main balconies.
- (2) Based on the percentages shown in Column 1 for units with clotheslines installed, the Applicant shall install in all units a clothes dryer corresponding with the energy rating in Column 2,

Column 1: Percentage of units in each site with clotheslines installed	Column 2: Minimum energy rating for a clothes dryer in non-clothes line units
0%-49%	3 Star energy rating or more
50%-74%	2.5 Star energy rating or more
75%-100%	2 Star energy rating or more

- (3) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 3.5 metres combined line length.

B36 Water Conservation

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

B37 Air Conditioning Units

Any air conditioning units for installation within dwellings in the Subject Site are to be either:

- (1) Capable of achieving at least a 3.0-star rating in accordance with the Minimum Energy Performance Standards (MEPS). The reference for the relevant standards applicable to air conditioning units is available from the Commonwealth Government's Australian Greenhouse Office website www.energyrating.gov.au; or
- (2) Where there is no rating under MEPS, energy efficiency consistent with the Australian Standard AS3823.2-2003 *Performance of electrical appliances – Air conditioners and heat pumps*.

Health

B38 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stages 1A, 1B, 2B and 3B above ground works.

B39 Kitchen Exhaust

Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate Stage 1 above ground works and Stages 1A, 1B, 2B and 3B if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements.

Waste Management

B40 Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate Stages 1A, 1B, 2B and 3B for above ground works.

Monetary Contributions and Contributions-in-lieu

B41 Monetary Contributions

B41 Monetary Contributions

Payment of local contributions pursuant to Section 94 of the Act must be paid consistently with the staging of development described in Condition A1A and prior to the issue of a Construction Certificate for that stage.

The Local contributions for each stage are as follows:

stage 1A - Paid

stage 1B - Paid

stage 2A - ~~\$0~~

stage 2B- \$862,337.96

stage 3A - ~~\$0 - \$913,257.23~~

stage 3B- \$913,257.23

Under clause 146 of the Environmental Planning and Assessment Regulation, 2000, a Construction Certificate shall not be issued by a Certifying Authority for a stage of the development unless this condition is complied with. This consent contains other conditions which must be complied with before a construction certificate may be issued for a particular stage of the development. The Certifying Authority must also sight Council's Contribution Sheet signed by an authorised officer of Council.

If the contribution rate is adjusted between the date on which modification DA43-3-2005 MOD5 is approved and payment of the contribution, then the figure will be indexed and calculated according to the then current contribution rate. The applicant will be required to request in writing from Council, a recalculation of these amounts for each stage of the development in accordance with the rates applicable in Council's adopted Fees and Charges, prior to payment of the contributions. 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.

Note: These rates are current as at January 2018.

Works

B42 Water Management Act 2000

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 applicable to the development stage 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:

- stage 1A - PAID
- stage 1B – PAID

Stage 2B

Water DSP4:	37.442 ET @ \$13632 per ET	\$510,409.34
Sewer Banora:	56.088 ET @ \$6549 per ET	\$362,272.39

Stage 3B

Water DSP4:	41.54 ET @ \$13632 per ET	\$566,273.28
Sewer Banora:	62.22 ET @ \$6549 per ET	\$407,478.78

If the contribution rate is adjusted between the date on which modification DA43-32005 MOD5 is approved and payment of the charges, then the figure will be indexed and calculated according to the then current rate. The applicant will be required to request in writing from Council, a recalculation of these amounts for each stage of the development in accordance with the rates applicable in Council's adopted Fees and Charges, prior to 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

Works

B43 Works within the Road Verge (crossovers, footpath works, etc.)

Where required, kerb and gutter, stormwater drainage and driveway crossovers shall be designed in consultation with the relevant requirements of Council and RTA. Final design plans shall be prepared by a qualified practising civil engineer and submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for Stage 1 below ground works.

B44 Utility Services

- (1) Approval is given by Council subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the Subject Site.
- (2) The applicant shall consult with the relevant public utility providers and meet any

costs imposed by those providers for alterations to mains or services required as a consequence of this approval.

Conditions from Gold Coast Airport

B45 Conditions for the Proposal

- (1) Prior to the issue of a Construction Certificate for Stage 1A, 1B, ~~2 and 3A~~, 2B, 3A and 3B, the Applicant must obtain approval from Gold Coast Airport Limited (GCAL) for the proposed maximum RL height of 57.0m AHD.
- (2) The finished building heights must be provided to GCAL upon completion (in AHD), so that it can update its plans and other records for the Gold Coast Airport and surrounds.
- (3) Should the proposed development cease to be shielded due to the removal of the adjacent tall buildings, the Civil Aviation Safety Authority (CASA) may require this structure to be marked with a low intensity steady red obstacle light.
- (4) A separate application must be made to GCAL for any cranes or other temporary structures used in the construction of the building, if they penetrate the Obstacle Limitation Surface for Gold Coast Airport.

Dewatering

B46 Dewatering Approval

It will be necessary to dewater the Subject Site prior to constructing the basement levels of car parks. This will require an approval from the relevant authority pursuant to the *Water Management Act 2000*.

B47 External Walls and Cladding Flammability

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

END OF PART B.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Services

C1 Services

- (1) The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.
- (2) Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the PCA advised of its location and depth prior to start of any building works.

Structural Works

C2 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) the relevant requirements of the *Disability Discrimination Act*,
- (4) drawings and specifications comprising the Construction Certificate for Stages 1A, 1B, 2A, 2B, 3A and 3B, ~~and 3C~~
- (5) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C3 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C4 below),
- (4) noise and vibration management (see also C5 below),
- (5) waste management (see also C6 below),
- (6) erosion and sediment control (see also B12), and
- (7) flora and fauna management.

The Applicant shall submit a copy of the approved plan to the Department and Council.

Any occupation of adjacent land or road reserve for location of construction buildings or storage will similarly require the approval of the appropriate landowner or Council prior to any occupation occurring.

C4 Construction Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C5 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction,
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent,
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C6 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of Council's Director of Environment and Community Services, a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant Development Control Plan, policy or standards and detailing waste material (soil, concrete, timber, masonry, steel and the like) generated by construction activities. The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

The Applicant shall submit a copy of the approved plan to the Department and the PCA.

C7 Plumbing and Drainage Works

- (1) 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.
- (2) Prior to commencement of building works the Applicant is to submit hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures to Council.
- (3) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (4) 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.
- (5) An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- (6) Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- (7) 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.
- (8) 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.
- (9) 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 50°C.
- (10) 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 (*unless all the premises are occupied by a single household or firm*).
- (11) 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.
- (12) A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works to the PCA.

C8 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24-hour telephone number to be operational for the duration of the construction works.

C9 Signage

Where prescribed by the provisions of the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003*, 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 PCA 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.

C10 Roads Act 1993 Approval

- (1) Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the *Roads Act 1993* must be obtained prior to any works taking place on a public road reserve including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee. Applications shall include engineering plans for the following required works:
 - a) Detailed engineering plans of all proposed works within the 3 road reserves is to be prepared and submitted to Council and approved prior to works within the road reserve being undertaken. Design issues to address include:
 - o No ramps to shop doors within the road reserve;
 - o All pavers must be on concrete slab;
 - o Footfall cross fall 2.5%;
 - o Pram ramps;
 - b) No hoardings or fences or materials to be located or stored on footpaths or roads;
 - c) No ground anchors are to be installed under road reserves without entering into Council's standard contract for such works; and
 - d) Traffic control and management plan requirement including where site workers will park, where deliveries will be made, etc.
- (2) The above engineering plan submission must include details relevant to but not limited to the following:
 - a) Road works/furnishings;
 - b) Stormwater drainage;
 - c) Water and sewerage works;
 - d) Sediment and erosion control plans;

- e) Location of all services/conduits; and
- f) Traffic control plan.

Hazardous Materials

C11 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C12 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Builder's Toilet

C13 Builder's Toilet

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:

- (1) a standard flushing toilet connected to a public sewer, or
- (2) if that is not practicable, an accredited sewage management facility approved by Council.

Compliance

C14 Compliance Certificate

Prior to work commencing on the Subject Site, a "Notice of Commencement of Building or Subdivision Work and Appointment of PCA" shall be submitted to Council at least **2 days** prior to work commencing.

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 PCA to certify the following:

- (1) All required erosion and sedimentation control devices have been installed and are operational;
- (2) Required toilet facilities have been provided on the site;
- (3) A sign has been erected on the site identifying the following:
 - (a) Lot number;
 - (b) Builder; and
 - (c) Phone number of builder or person responsible for the site.

- (4) All conditions of consent required to be complied with prior to work commencing on the site have been satisfied; and
- (5) That the licensee has complied with the provisions of Section 98(1)(b) of the Regulation.

END PART C.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Building Work

- (1) 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 BCA (as in force on the date of the application for the relevant Construction Certificate).
- (2) If the work involved in the erection 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 closure of a public place;a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards. Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.
- (3) Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.
- (4) Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

D2 Erosion and Sediment Control

- (1) All erosion and sediment control measures, as designed in accordance with Condition B14, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- (2) In addition to these measures an appropriate sign 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 construction works.
- (3) Should any material be transported onto the road or any spills occur, they are to be cleaned up within one (1) hour of occurrence.
- (4) Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
- (5) Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
- (6) This inspection program is to be maintained until the 5% maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

D3 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Structural Works**D4 Setting Out of Structures**

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management**D5 Approved Plans to be On-site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D6 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30-point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D7 Contact Telephone Number

The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D8 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D9 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D10 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D11 Waste Service

- (1) 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; and
 - c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
- (2) 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.
- (3) 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. Disposal is to be to the satisfaction of Council's Trade Waste Connections Officer – Trade Unit.

D12 Car Wash-Down Area

Provision is to be made for the designation of durable and pervious car wash-down area/s in accordance with the approved plans. 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

Inspections**D13 Council Inspections**

If Council is appointed as the PCA, Council is to be given 24 hours' notice for any of the following inspections prior to the next stage of construction:

- (1) Internal drainage, prior to slab preparation;
- (2) Water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (3) External drainage prior to backfilling; or
- (4) Completion of work prior and prior to the occupation of the building.

D14 Critical Inspections

The PCA is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the PCA via the notice under section 81A of the Act.

Public Safety**D15 Public Access**

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 occupied.

D16 Public Liability

Where the construction work is on or adjacent to public roads, parks or drainage reserves, the Applicant will provide and maintain all warning signs, lights barriers and fencing in accordance with AS 1742.3-2002. The Applicant, contractor or property owner shall be adequately insured against Public Risk Liability and will be responsible for any claims arising from these works.

D17 Material Storage

- (1) 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 applicant's expense and are payable prior to the issue of an Occupation Certificate.
- (2) Building materials used in the construction of the building are not to be deposited or stored on Council's footpaths or road reserves, unless prior approval is obtained by Council.

Noise and Vibration**D18 Hours of Work**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

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

D19 Construction Noise Objective

The construction noise objective is to comply with AS 2436-1981 "Guide to Noise Control on Construction".

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the noise with the construction noise objective.

D20 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 1.00 pm to 4.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.
- (3) Ground anchors to retain sacrificial sheet piling (as required) will not be allowed within Council property without prior approval for installation by Council's Director of Engineering and Operations Division and removal on completion or substantial financial compensation. Council will only allow ground anchors within neighbouring private property if consent by the owners of the property to be burdened is obtained prior to installation.

D21 *Vibration Criteria*

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D22 *Vibration Management*

Vibratory compactors must not be used closer than 100 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Construction Conditions**D23 *Waters Discharged***

All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids shall not be greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

D24 *Satisfactory Inspection Report*

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 Council's Engineering and Operations Division to arrange a suitable inspection.

D25 *Cooling Tower Installation*

Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

Ecologically Sustainable Development**D26 *Recycling of Concrete***

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

END PART D.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

Subdivision does not form part of this consent.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE***Engineering******F1 Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Fire Safety Certificate is received.

F3 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F4 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F5 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer to the satisfaction of Council prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

Street Numbering

F6 Street Numbering

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.

Second Dilapidation Report

F7 Post-construction Dilapidation Report

- (1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B15, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

Compliance

F8 Clotheslines and Clothes Dryers

- (1) The Applicant shall submit to the PCA a plan demonstrating that units are compliant with the requirements of Condition B29.
- (2) The PCA must not issue an Occupation Certificate for any unit within the development that does not have either a clothes line or clothes dryer installed.

F9 Compliance with Council Requirements

- (1) 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 PCA, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of consent.
- (2) Prior to the occupation or use of the 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 plumbing and drainage works.
- (3) Work as executed plans are to be provided to Council in accordance with Councils adopted Development Design and Construction Specification. **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 plans.

- (4) 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.
- (5) An easement for sewerage, 3m wide and benefiting Tweed Shire Council shall be registered over the realigned public sewer prior to issue of an Occupation Certificate. This easement shall extend from floor level to ceiling level of the basement storey of the development. The terms of this easement shall indemnify Council from liability due to failure of the public sewer as a result of misuse or damage caused by the landholder or his agent, including public and residential users of the basement car park.
- (6) Prior to the issue of an occupational certificate, the tandem car spaces are to be clearly marked out with unit numbers in the strata plan and stated in the 88B instrument to Councils Satisfaction.

F10 Occupation

- (1) 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).
- (2) 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.

F11 Commercial and Visitor Parking

Prior to occupation of the relevant stage all commercial and visitor parking shall be provided in accordance with Condition B24 and shall be clearly identified as commercial or visitor parking.

END PART F.

PART G—POST OCCUPATION***Fire Safety*****G1 *Annual Fire Safety Certification***

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic and Parking**G2 *Loading and Unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 *Unobstructed Driveways and Parking Areas*

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G4 *Deliveries and Servicing of the Site*

Delivery of goods to the premises shall be restricted to between the hours of 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.

The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays. All waste collection activities shall occur within the property boundary.

G5 *Security Gate*

The proposed security gate on the driveway access be closed when all commercial tenancies are closed to the public.

Noise**G6 *Noise Control – Plant and Machinery***

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

G6A Noise Compliance

Immediately following the operation of the Premises, a Post Construction Noise Impact Compliance Assessment report from a suitable qualified acoustic consultant shall be prepared and submitted for consideration and approval by the PCA in respect to noise associated with the development.

The assessment report is to consider the Acoustic Assessment that was approved prior to the commencement of works, and include any recommended noise amelioration measures to be carried out by the Applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation.

The applicant shall carry out any such recommendations as provided within the noise assessment report to the satisfaction of the PCA within 30 days from the date of the acoustic, provided that the PCA may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the PCA. A copy of such report shall be submitted to Council.

G7 Vehicular

Any vehicles (including delivery vehicles) that remain on the Subject Site for periods in excess of two (2) minutes are required to switch off their engines.

Hazardous Materials**G8 Storage of Hazardous or Toxic Material**

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access**G9 Public Way to be Unobstructed**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

General**G10 Lighting**

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 creating a nuisance to neighbouring or adjacent premises or residents of the Subject Site.

G11 Sewerage Easement

An easement for sewerage, 3m wide and benefiting Council shall be registered over the realigned public sewer prior to the issue of an Occupation Certificate. This easement shall extend from floor level to ceiling level of the basement storey of the development. The terms of this easement shall indemnify Council from liability due to failure of the public sewer as a result of misuse or damage caused by the landholder or his agent, including public and residential users of the car park.

G12 Swimming Pool

- (1) The swimming pool and spa shall be maintained and operated in accordance with the *Public Swimming Pool and Spa Pool Guidelines (NSW Health 1996)* and the *Swimming Pool Act 1992*.
- (2) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing (Section 7 *Swimming Pool Act 1992*).
- (3) Swimming pool water quality is to be maintained to a standard in accordance with the provisions of the *Public Health (Swimming Pools and Spas) Regulation 2000*.
- (4) The resuscitation poster must be permanently displayed in close proximity to the swimming pool, as per section 17 of the *Swimming Pool Act 1992*.

END PART G.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, 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.

AN2 Compliance with Building Code of Australia

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA and the *Disability Discrimination Act 1992* prior to submitting the application for a Construction Certificate.

AN3 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

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 relevant requirements;
- (2) Structural certification prepared and signed by a 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 onsite 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 Footpath Dining

Footpath dining activities shall not be carried out unless a Footpath Dining License Agreement has been approved by Council. Footpath dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Councils adopted Footpath Dining Policy.

AN7 Movement of Trucks Transporting Waste Material

The Applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN8 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN9 Certification

The erection of a building in accordance with this 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 license if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and

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- (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.

AN10 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN11 Compliance with Conditions

The Applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 36-3-2005 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

AN12 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's relevant requirements, prior to the occupation of the building(s) or commencement of the use.

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

AN13 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.
