

APPENDIX D – Major Projects Consent 07_0056

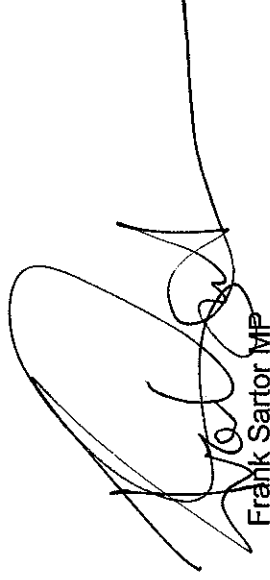
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approved the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2.

These conditions are required to:

- Adequately mitigate the environmental impact of the project;
- Maintain the amenity of the local area;
- Protect the visual amenity of the Tweed coast; and,
- Encourage good urban design and a high standard of architecture

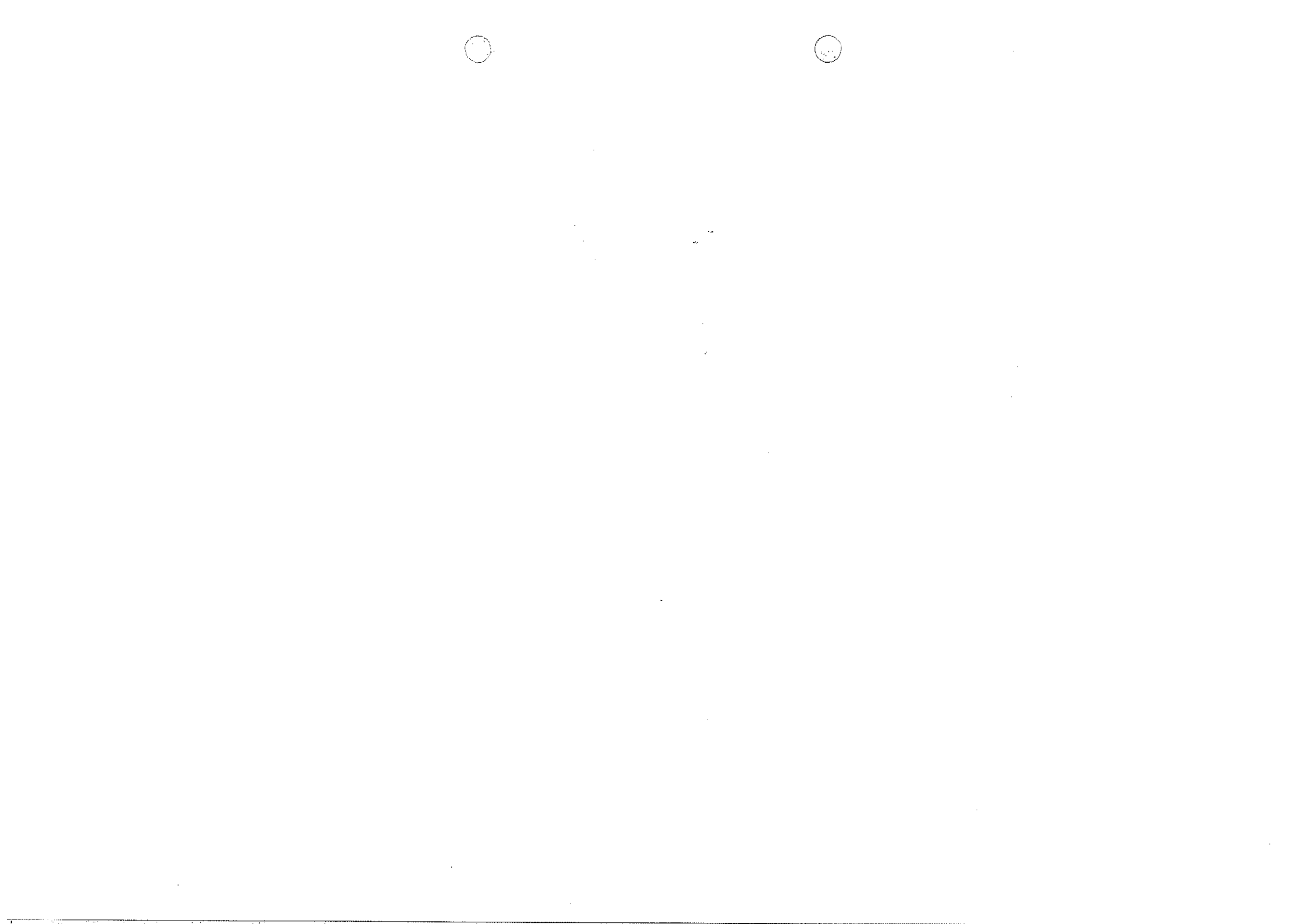


Frank Sartor MP

Minister for Planning

Sydney,

16th June 2008



SCHEDULE 1

PART A—TABLE

Application made by:	Duranbah Project Pty Ltd (the proponent)
Application made to:	Minister for Planning
Project Application:	07_0056
On land comprising:	3 – 5 Tweed Terrace (Lot A & B DP 407809), Tweed Heads
Local Government Area	Tweed Shire Council
For the carrying out of:	6 storey residential flat building comprising 12 (3 bedroom) units
Estimated Cost of Works	\$8M
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO DETERMINATION OF APPLICATION: 07_0056

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

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

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*

Advisory Notes means advisory information relating to the approved project but do not form a part of this approval

BCA means the Building Code of Australia

Council means Tweed Shire Council

CPI means Consumer Price Index

Department means the Department of Planning or its successors

Director-General means the Director-General of the Department

Environmental Assessment means the Environmental Assessment prepared by Planit Consulting and dated 17 September 2007, including all Appendices

Minister means the Minister for Planning

Preferred Project Report means the Preferred Project Report prepared by Planit Consulting dated 21 January 2008

Project means the project as described in the Proponent's Environmental Assessment

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

Proponent means Duranbah Project Pty Ltd or any party acting upon this approval

Regulation means the *Environmental Planning and Assessment Regulation 2000*

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

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SCHEDULE 2

CONDITIONS OF APPROVAL – MAJOR PROJECT NO. 07_0056

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

Project approval is granted only to carrying out the project described in detail below:

- (1) Construction of a 6 storey Residential Apartment Building (multi-dwellings) comprising 12 x three bedroom units and associated basement parking.

A2 *Project in Accordance with Plans*

The project will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and the following drawings:

Architectural (or Design) Drawings prepared by Arkhefield			
Drawing No.	Revision	Name of Plan	Date
200-B1	F	Basement Floor Plan	10/03/08
200-00	G	Ground Floor Plan	10/03/08
200-01	F	Level 1 to Level 5 Floor Plan	10/03/08
300-00	I	North East Elevation	10/03/08
300-01	I	North West Elevation South East Elevation	10/03/08
300-02	I	South West Elevation	10/03/08
400-00	E	Section A-A	10/03/08
400-01	G	Section B-B & Section C-C	10/03/08
-	-	Level 3 Floor Plan	-
650-01	A	Screen Detail	14/01/08
100-13	B	Reference Images - External	22/10/07
	-	Reference Images	-
100-15	C	Aerial Montage – Site Context	14/01/08
100-16	C	Perspective Image – south east	14/01/08
100-17	C	Perspective Image – northern	14/01/08
110-00	A	Demolition Plan	27/07/07
100-09	C	Shadow Studies – March	22-01-08
100-10	D	Shadow Studies – June	02-04-08
100-11	C	Shadow Studies – September	22-01-08
100-12	C	Shadow Studies – December	22-01-08

Statement of Landscape Intent prepared by Planit Consulting			
Drawing No.	Revision	Name of Plan	Date
Job no 9505 (Sheet 1 of 2)	001	Statement of Landscape Intent	October 2007
Job no 9505 (Sheet 2 of 2)	001	Statement of Landscape Intent	October 2007

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in Tweed Shire Council's Development Control Plan and / or Tweed Local Environmental Plan 2000 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

A3 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment* prepared by Planit Consulting on behalf of Duranbah Project Pty Ltd, dated September 2007 (submitted 22 October 2007);
- (2) *D'Bah Projects Pty Ltd Proposed Residential Unit Project No. 3 & 5 Tweed Terrace Tweed Heads, NSW - Soil and Water Management Plan* prepared by Opus Qantec McWilliam and dated October 2007 (attached to correspondence submitted with Environmental Assessment; and,
- (3) *Addendum to Environmental Assessment* prepared by Planit Consulting on behalf of Duranbah Project Pty Ltd, submitted with *Environmental Assessment* 22 October 2007.
- (4) BASIX and NatHERS Certificates as follows:

Certificate Number	Project Name	Address
154550M*	D'bah Apartments	3 -- 5 Tweed Terrace Tweed Heads 2485
62608167*	Terrace1.ZIP	3/5 Tweed Terrace, Tweed Heads

* Where a new BASIX certificate is issued for the project (following detailed design), the old and new certificates must be presented to the Certifying Authority for comparison. The new BASIX certificate must equal or exceed the energy and water targets on the old certificate.

- (5) Preferred Project dated 21 January 2008 prepared by Planit Consulting dated 21 January 2008;
- (6) Correspondence prepared by Planit Consulting dated 11 March 2008 (Addendum to Preferred Project Report);
- (7) Correspondence prepared by Planit Consulting dated 4 April 2008.

A4 Inconsistency between documents

In the event of any inconsistency between:

- 1) The conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail to the extent of the inconsistency;
- 2) Any document listed in Condition A3, the most recent document shall prevail to the extent of the inconsistency; and

- 3) The conditions of this approval and the proponent's Statement of Commitments, the conditions of this approval prevail to the extent of the inconsistency.

A5 Lapsing of Approval

In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless the proponent has demonstrated to the satisfaction of the Director-General that work has physically commenced.

A6 Crown Land

The developer shall ensure that:

- 1) no part of the project encroaches on Crown land,
- 2) the proposal does not result in removal of vegetation from Crown land,
- 3) No stockpile of materials is placed on Crown land,
- 4) No direct stormwater discharges onto Crown land, and
- 5) adjoining Crown Land is not used as asset protection zone.

A7 Building Code of Australia

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Additional Details

In order to ensure limited impacts on the environment during construction and operation, additional details in regard to the following matters shall be submitted to and approved by Council prior to the issue of a Construction Certificate for any works:

- (1) An amended Soil and Water Management Plan prepared by qualified and practicing consultant with experience in soil and water management, submitted to Council. The amended plan shall adequately address the following:

- Deletion of any reference to the repealed Clean Waters Act (NSW) and replace with the Protection of the Environment Operations Act 1997;
- Specification of the size, location and number of any alternative temporary above ground holding tank(s) shall be indicated on an appropriately scaled and drawn site plan.
- Reflect only practical and achievable response measures in respect to suspended solids management.

B2 Details of Materials, Colours and Finishes

Prior to the issue of a Construction Certificate for above ground works, the proponent shall prepare and submit for the approval of the Council:

- 1) Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours.
- 2) Design details of appropriate screening that is stackable / removable to be incorporated into the northern and eastern elevations to increase energy efficiency.
- 3) Design details of all windows on the rear (south west) elevation located outside of the area covered by timber screening to be frosted (or similar) to enhance visual privacy.

B3 Reflectivity

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. 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 above ground works.

B4 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.

B5 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate for above ground works, the Proponent 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 project, 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*.

B6 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 vehicular entry points that are visible from the street shall be finished in high quality materials to the satisfaction of the Certifying Authority. No service ducts or pipes are to be visible.

B7 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Noise

B8 Noise Limits

The noise level (L_{Aeq} (15 minute)) emitted from the building when measured at the boundary of the site shall not exceed 5 dB(A) above the rating background noise level (L_{A90} (10 minute)) at any time. A statement from a qualified acoustic engineer demonstrating compliance with this requirement is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Height

B9 Verification of Height

Prior to the issue of a Construction Certificate for above ground works, the Proponent shall submit to the Certifying Authority a Height Verification Statement from a qualified designer, verifying that:

- 1) The building shall have a maximum height of no more than 49.8m above the Australian Height Datum (AHD).
- 2) All additional structures such as lift overruns, vents, aerials and lightning rods must be contained within the maximum approved height of 49.8m AHD.

B10 Height Application

Any increase in height or the use of cranes during construction shall be subject separate approval by the approval authority and the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government.

Dewatering / Earthworks

B11 Erosion and Sedimentation Control

Erosion and Sediment Control shall be provided in accordance with the following:

- 1) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Tweed Shire Council Development Design Specification D7 - Stormwater Quality*.
- 2) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- 3) Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B12 Dewatering

The proponent shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and all representatives involved in the dewatering activity (both surface and potential groundwater) including consultants and personnel responsible under any dewatering management plan approved by Council's General Manager or delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.

Construction Management

B13 Pre-Construction Dilapidation Reports

The Proponent 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.

A copy of the report is to be forwarded to Council.

B14 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. 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,
- (4) noise and vibration management,
- (5) waste management ,
- (6) erosion and sediment control, and
- (7) flora and fauna management.

Car Parks / Bicycle Racks

B15 Car Parking

- 1) The maximum number of car spaces to be provided for the project shall comply with the table below, including parking for the disabled (as required) in accordance with the Tweed Shire Council Development Control Plan Part A2 – Site Access and Parking Code.

Car parking allocation	Number
Residential Car parking spaces	25 (includes 8 tandem spaces)
Visitor Spaces	3
Car Wash Bay	1

- 2) The tandem car parks must be allocated to individual units only.
- 3) Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Certifying Authority prior to the issue of a construction certificate.
- 4) Visitor car parking spaces must be accessible at all times.

B16 Number of Bicycle Spaces

A minimum of 24 bicycle spaces are to be provided for the project. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate.

Landscaping

B17 Landscape Plan

In order to provide for operational protection of the environment, a revised landscape plan must incorporate the following:

- 1) reference to *Kukka elephantites* shall be replaced with *Yukka elephantites*,
- 2) *Tabebuia* sp. shall be replaced with a suitable native or at least a non-spreading species,
- 3) *Codeaum*, *Philodendron* and *Rhoeo* species should only be used where in limited containers and are not provided as mass plantings within the garden beds.

Details shall be submitted to and approved by the Council's General Manager or his delegate prior to the issue of a Construction Certificate for any works.

Health

B18 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the BCA 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.

Monetary Contributions and Contributions-in-lieu

B19 Monetary Contributions

- 1) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions in accordance with Council's Section 94 contributions plans specified:

Amount of Contribution

Section 94 Contribution Plan No.4 – Tweed Road Contribution					
Trip Rate	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
46.8 trips	\$596	\$27,892.80	13 trips	\$7,748	\$20,144
Section 94 Contribution Plan No.5 (Amendment No.5) – Local Open Space 2002					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$510 (structured)	\$6,120	2.0 x \$780	\$1,560	\$4,560
12	\$109 (casual)	\$1,308	2.0 x \$167	\$334	\$974
Section 94 Contribution Plan No.11- Tweed Shire Library Facilities Amendment No.1 2002					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$450	\$5,400	2.0 x \$688	\$1,376	\$4,024
Section 94 Contribution Plan No.12 – Bus Shelters 2005					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$16	\$192	2.0 x \$26	\$52	\$140
Section 94 Contribution Plan No.13 – Environ Cemetery 2005					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$90	\$1,080	2.0 x \$131	\$262	\$818
Section 94 Contribution Plan No.16 – Emergency Facilities (Surf Lifesaving) 2006					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$131	\$1,572	2.0 x \$200	\$400	\$1,172
Section 94 Contribution Plan No.18 – Council Administration Offices and Technical Support Facilities (Version 2.1) – 24 April 2007					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$1,305.60	\$15,667.20	2.0 x \$1,996.80	\$3,993.60	\$11,673.60
Section 94 Contribution Plan No.22 – Cycleways					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$230	\$2,760	2.0 x \$352	\$704	\$2,056
Section 94 Contribution Plan No.26 – Regional Open Space (Version 3)					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$1,521(structured)	\$18,252	2.0 x \$2,327	\$4,654	\$13,598
12	\$559 (casual)	\$6,708	2.0 x \$855	\$1,710	\$4,998
TOTAL CONTRIBUTIONS					\$64,157.60

- 2) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions in accordance with Council's Section 64 contributions plans specified:

Amount of Contribution

Development Servicing Plan for Water Supply Services (July 2007)					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$9,997	\$119,964	2.0 x \$9,997	\$19,994	\$99,970
Development Servicing Plan for Sewerage Services (July 2007)					
No. of Units	\$ per unit	Sub-Total	Less Unit Credit	Credit (\$)	Total
12	\$4,804	\$57,648	2 x \$4,804	\$9,608	\$48,040
				TOTAL CONTRIBUTIONS	\$148,010

(1) Timing and Method of Payments

The contribution shall be paid in the form of cash or bank cheque, made out to Tweed Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Tweed Shire Council.

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(2) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

(4) Haulage

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 is required prior to the issue of a construction certificate. The contribution shall be based on the following formula:-

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

where:

$$\text{\$Con}_{\text{TRCP - Heavy}} \text{ heavy haulage contribution}$$

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

Operational Waste Management

B20 Storage and Handling of Operational Waste

A screened, graded and drained garbage storage area shall be provided within the boundary for the storage and removal of garbage and other waste material to the satisfaction of Council.

B21 Car Wash Bay

The carwash bay shall be bunded to prevent contamination of basement stormwater. Treated carwash runoff shall be discharged to the sewer (if levels permit) and shall be subject to a separate Trade Waste Application prior to the issuing of a Construction Certificate. If levels do not permit discharge to the sewer system, then treated runoff shall be discharged into the stormwater network.

Stormwater and Sewerage Works

B22 Stormwater and Drainage Works Design

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

- 1) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the project prepared in accordance with Section D7.07 of Council's *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 Council's *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) Specific Requirements to be detailed within the Construction certificate application include:
 - a) Shake down area shall be installed prior to any earthworks being undertaken.
 - b) Runoff from all hardstand areas, (including driveway, basement car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 – *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
 - c) Roof water does not require treatment and should be discharged downstream of treatment devices.
 - d) All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of approval. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2.

B23 Section 68 Application

An application shall be lodged and approved by Tweed Shire Council under Section 68 of the *Local Government Act 1993* for any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain, sewerage drainage system, installation of stormwater quality control devices or erosion and sediment control works) prior to the issue of a construction certificate.

B24 Discharge

The legal point of discharge for piped stormwater from the site is via direct connection into the existing kerbside inlet pits in Tweed Terrace, along the frontage of the site. Connection from the basement car park to the inlet pit shall be made perpendicular to the inlet pit, minimising the length of stormwater pipe required, between the project and the inlet pit, within Council's road reserve.

Full engineering details of this connection shall be submitted with the s68 Stormwater Application for approval, prior to the issue of a Construction Certificate.

B25 Disused Sewer

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

Earthworks and Drainage

B26 Drainage

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

B27 Engineering Plans

All earthworks shall be contained wholly within the subject site. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a Section 68 stormwater application for Council approval.

B28 Details of Works

Details from a Structural Engineer are to be submitted to the Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

B29 Soil Report

The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Certifying Authority prior to the issue of a construction certificate.

B30 Ground Anchors

Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

Road Design

B31 Section 138 Application

- 1) Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this approval located within the road reserve. Application shall include engineering plans and specifications for the following required works: -
 - a) Provision of a vehicular access off Boundary Lane in accordance with Council's "Access to Property" pamphlet, consolidated Tweed DCP and Development Design and Construction Specifications The access shall provide the required 2m x 2m "sight triangle" envelopes.
- 2) The above mentioned engineering plan submission must include copies of compliance certificates relied upon and 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
 - f) Traffic control plan

PART C—PRIOR TO COMMENCEMENT OF WORKS

Excavation Works / Retaining Walls

C1 Retaining Walls

Provide a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by a Geotechnical assessment of the founding material.

C2 Extent of Works

- 1) Should excavation extend below the level of the base of the footings of a building on an adjoining allotment of land, the proponent must comply with the following:
 - a) The proponent must, at the proponent's own expense:
 - i.) preserve and protect the building from damage; and
 - ii.) if necessary, underpin and support the building in a manner approved by the Certifying Authority.

- 2) The proponent must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land occurs, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

C3 Termites

- 1) The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- 2) Details of the proposed method to be used are to be submitted to and approved by the Certifying Authority prior to start of works; and
- 3) Certification of the works performed by the person carrying out the works is to be submitted to the Principal Certifying Authority; and
- 4) A durable notice must be permanently fixed to the building in a prominent location as outlined in Section D.

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

Compliance

C4 Prerequisite Works

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

Existing Infrastructure

C5 Underground Infrastructure

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

C6 Notice of Commencement

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

C7 Written Notice to Council

- 1) Residential building work within the meaning of the *Horne Building Act 1989* must not be carried out unless the PCA for the project to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i.) in the name and licence number of the principal contractor, and
 - ii.) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i.) the name of the owner-builder, and
 - ii.) if the owner-builder is required to hold an owner builder permit under

that Act, the number of the owner-builder permit.

- 2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the project to which the work relates (not being the council) has given the council written notice of the updated information.

C8 *Contact Telephone Number*

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

C9 *On-site Sign*

- 1) A sign must be erected in a prominent position on the site on which building 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.
- 2) 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.

Stormwater and Services Connection

C10 *Erosion and Sediment Control*

- 1) Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Certifying Authority.
- 2) In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act 1993* is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided. This sign is to remain in position for the duration of the project.

C11 *Connection to Services*

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.

C12 *Plumbing and Drainage Fees*

Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

- 1) All erosion and sediment control measures, as designed in accordance with Conditions in Section B of this approval, 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) Appropriate measures are to be put in place during the construction and/or demolition period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

D2 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.

D3 Water Quality

All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/L. 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 upon request.

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 Principal Certifying Authority certifying that structural works are in accordance with the approved project application.

Sewer

D5 Sewer Disconnection

Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

D6 Sewer Manhole

The sewer manhole located on site is not to be covered with soil or other material at any time. Removal of this infrastructure requires an application to be made to Council under Section 68 of the *Local Government Act 1993*.

Stormwater / Drainage

D7 Roof Waste Water

The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

D8 Section 68 Approval

During construction, a "satisfactory inspection report" is required to be issued by Council for all Section 68 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Council to arrange a suitable inspection. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the *Local Government Act 1993*.

D9 Hose Tap

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.

Plumbing

D10 Plumbing Permit

A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

D11 Specific Requirements

- 1) An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- 2) Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- 3) All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works to the Certifying Authority.

Footpath and Vehicle Crossover

D12 Maintenance of Footpath

- 1) The existing concrete ribbon footpath along the frontage of the site to Tweed Terrace and Boundary Lane must be maintained at a minimum width of 1.2 meters in accordance with Council's Development Design and Construction Specifications.
- 2) Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of any concrete (as required).

D13 Method of Construction

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

Earthworks, Retaining Methods

D14 Retaining Walls

All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.

D15 Certification of other Retaining Methods

A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principal Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

Swimming Pools

D16 Installation / Access

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 AS 1926-1986 (Copy of code enclosed).

D17 Drainage / Stormwater

Swimming pools shall have suitable means for the drainage and disposal of overflow water. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

D18 Noise / Nuisance

The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

Construction Management

D19 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.

D20 Inspections - General

- 1) The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the PCA via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.
- 2) The proponent must not undertake any work within the public road reserve without giving Council forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

D21 Inspections – Other

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; and,
- 4) completion of work and prior to occupation of the building.

D22 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.

D23 On-site Vegetation

The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited.

D24 Dust Control Measures

- 1) 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:
 - a) Provision to be made for the designation of 1 car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s.
 - b) No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
 - c) The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles.

D25 Damage to Public Infrastructure

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

Public Safety

D26 After Hours Access

It is the responsibility of the proponent to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

D27 Traffic Management

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

Noise and Vibration

D28 Hours of Work

Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

- a) Monday to Saturday from 7.00am to 7.00pm
- b) No work to be carried out on Sundays or Public Holidays
- c) The proponent is responsible to instruct and control subcontractors regarding hours of work.

D29 Dewatering

- 1) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
- 2) Council's Environmental Health Officer shall be advised within 24 hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

D30 Vibration Management

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

D31 Road Reserve

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.

Ecologically Sustainable Development

D32 Water Conservation

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

D33 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.

D34 Building Waste

Provision shall be made for the collection of builder's solid waste to the satisfaction of the PCA.

Compliance

D35 BASIX

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

D36 Finished Levels

The finished floor level of the building should finish not less than 225mm above finished ground level.

D37 Section 138 Approval

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

PART E—PRIOR TO OCCUPATION CERTIFICATE

Design Verification Statement – Residential Flat Buildings

E1 Design Quality & Height

Prior to the issue of any Occupation Certificate, the Proponent shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that:

- 1) the project achieves the design quality detailed in the plans and specifications referred to in condition B5, 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*.
- 2) the height of the building complies with Conditions B9 and B10 at completion of the ground slab, Level 4 (5th storey) and Level 5 (6th storey).

Engineering

E2 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 approval authority and Council by the PCA.

E3 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 approval authority initial Fire Safety Certificate is received.

E4 Mechanical Ventilation

- 1) Following completion, installation and testing of all the mechanical ventilation systems, the Proponent 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:
 - a) The Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) The project approval and any relevant modifications; and,
 - d) Any dispensation granted by the New South Wales Fire Brigade.

E5 Structural Inspection Certificate

- 1) A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal Certifying Authority 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 approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
 - a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings;
 - b) The structure is considered to be structurally adequate; and,
 - c) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E6 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 project, is be met in full by the Proponent 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.

E7 Redundant Roadways

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

Allotment Requirements

E8 Registration of Easements

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

E9 Consolidation of Lots

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

E10 Street Address

Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building to the satisfaction of Council.

Satisfactory Inspection Reports

E11 Stormwater Quality

Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all permanent stormwater quality control devices.

E12 Plumbing and Drainage

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

E13 Road Reserve

Prior to the issue of an occupation certificate, the proponent shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

Building

E14 BASIX Requirements

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

E15 Termites

- 1) Prior to the issue of an occupation certificate, certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
 - a) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - b) the method of protection; and
 - c) the date of installation of the system; and

- d) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- e) the need to maintain and inspect the system on a regular basis.

E16 Compliance

Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part.

PART F—USE

Fire Safety

F1 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

F2 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.

F3 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.

Amenity

F4 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 or glare creating a nuisance to neighbouring or adjacent premises.

F5 Noise

The noise level (L_{Aeq} (15 minute)) emitted from the building when measured at the boundary of the site shall not exceed 5 dB(A) above the rating background noise level (L_{A90} (10 minute)) at any time.

Swimming Pools

F6 Requirements

- 1) 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 effect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- 2) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
- 3) The swimming pool is not to be used for commercial purposes without prior development consent.

Public Access

F7 Public Way to be Unobstructed

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

Second Dilapidation Report

F8 Post-construction Dilapidation Report

- (1) The Proponent 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 B13, 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 Council.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. 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 Public Utilities

Approval is given 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.

AN3 Compliance with Building Code of Australia

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

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

AN4 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.

AN5 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
- (2) Structural certification prepared and signed by an suitably qualified practising structural engineer.

The Proponent 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.

AN6 Use of Mobile Cranes

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

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction an shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN7 Movement of Trucks Transporting Waste Material

The Proponent 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 approval.

AN9 Excavation – Aboriginal Objects

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN10 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN11 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the approval authority or the council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN12 Application under Section 37 of Strata Schemes (Freehold Development) Act 1973

Section 37 and 37A of the *Strata Schemes (Freehold Development) Act, 1973* require an application to be submitted to the council or accredited certifier for approval prior to the issue of the certified strata plan of subdivision.

AN13 Compliance with Conditions

- 1) The Proponent will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Project Application No. 07_0056 and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to the issuing of Strata Plan of Subdivision.
- 2) Prior to commencement of work, a construction certificate shall be obtained for the works proposed by this approval.
- 3) In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for BUILDING WORKS shall NOT

be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

AN14 Noise Generation

Any noise generated during the construction of the project shall not exceed the 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 Subject Site.

AN15 Stormwater drainage works or effluent systems

1) A construction certificate for works that involve any of the following:

- a) water supply, sewerage and stormwater drainage work
- b) management of waste

2) As defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN16 Temporary Structures

1) 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.

2) 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.

AN17 Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.