

Appendix 2

Instrument of Approval

Project Approval

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

The Planning Assessment Commission (PAC), under delegation signed by the Minister for Planning and Infrastructure on 14 September 2011, pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) approve the project referred to in Schedule 1, subject to the conditions of approval in Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- to confirm and clarify the terms of approval;
- to advise of matters to be resolved prior to the commencement of works;
- manage residential amenity;
- minimise visual impacts; and
- ensure adequate mitigation of environmental impacts of the project.



Jan Murrell
Commission Member



Richard Thorp
Commissioner Member

Sydney,

25 September 2012

SCHEDULE 1

Application No.:	09_0016
Proponent:	Tweed Coast Homes Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lots 1, 2 & 3 Sec 1 DP 29748 and Lot 4 Sec 1 DP 31209, Cabarita Beach, Tweed LGA
Project:	Construction of a 3-storey mixed use development for 'dual-use' tourist/residential and residential apartments, semi-basement parking, outdoor pool and associated landscaping.

DEFINITIONS

Advisory Notes	advisory information relating to the approved project but do not form a part of this approval
BCA	Building Code of Australia
Council	Tweed Shire Council
Certifying Authority	a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue Part 4A certificates
Construction Certificate	a construction certificate for bulk earthworks or civil works unless specified otherwise
Crown Lands	Crown Lands Division as part of the Department of Primary Industries or its successors
OEH	Office of Environment & Heritage or its successors
Department	Department of Planning & Infrastructure or its successors.
Director-General	Director-General of the Department or his/her nominee
Environmental Assessment	Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd dated May 2010, including all appendices
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
Occupation Certificate	a certificate referred to in section 109C (1) (d) of the EP&A Act
Minister	Minister for Planning and Infrastructure
NOW	NSW Office of Water or its successors
Preferred Project Report	Preferred Project Report prepared by Darryl Anderson Consulting Pty Ltd dated May 2012
Project	project as described in Schedule 1
Proponent	Tweed Coast Homes Pty Ltd or any party acting upon this approval.
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RFS	Rural Fire Service
Site	land identified in Schedule 1
Statement of Commitments	the proponent's Statement of Commitments dated August 2012
Subdivision Certificate	a certificate referred to in section 109C (1) (d) of the EP&A Act

SCHEDULE 2

CONDITIONS OF APPROVAL

Major Project No. 09_0016

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 3-storey residential flat building comprising a maximum of 23 apartments for tourist/residential and residential uses;
- (2) 47 basement car parking spaces, including 6 visitor parking spaces;
- (3) outdoor pool; and
- (4) associated landscaping.

A2 Project in Accordance with Plans

- (1) The project is to be undertaken generally in accordance with the following drawings:

Architectural Drawings prepared by Summerland Design			
Drawing No.	Revision	Name of Plan	Date
DA1	-	Site Analysis Plan – Existing Conditions	21/09/2012
DA2	-	Site Analysis Plan – Post Development	21/09/2012
DA3	-	Site Plan	21/09/2012
DA4	-	Basement Plan	21/09/2012
DA5	-	Ground Floor Plan	21/09/2012
DA6	-	First Floor Plan	21/09/2012
DA7	-	Second Floor Plan	21/09/2012
DA8	-	Roof Plan	21/09/2012
DA9		Section A-A	21/09/2012
DA10	-	Elevations East & North	21/09/2012
DA11	-	Elevations West & South	21/09/2012
DA12	-	Schedule of Finish, Materials & Colours	21/09/2012
DA13	-	Schedule of Finish, Materials & Colours	21/09/2012
DA14	-	Fence – Control Plan	21/09/2012
Landscaping Plans prepared by Verge Urban Landscaping Architecture			
Drawing No.	Revision	Name of Plan	Date
3136-LC01	-	Landscape Concept	20/09/2012
3136-LC02	-	Landscape Concept	20/09/2012
3136-LC03	-	Landscape Concept	20/09/2012
3136-LC04	-	Landscape Concept	20/09/2012
3136-LC05	-	Landscape Concept	20/09/2012

A3 Project in Accordance with Documents

- (1) The project is to be undertaken generally in accordance with the following documents:
 - (a) *Environmental Assessment* prepared by Darryl Anderson Consulting Pty Ltd on behalf of Tweed Coast Homes Pty Ltd, dated May 2010;
 - (b) *Preferred Project Report* prepared by Darryl Anderson Consulting Pty Ltd on behalf of Tweed Coast Homes Pty Ltd, dated May 2012;
 - (c) Statement of Commitments dated August 2012 provided in Schedule 3; and
 - (d) The conditions of this approval.
- (2) If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
- (3) If there is any inconsistency between the plans listed in condition A2 and subsequently plans produced pursuant to condition B1, the most recent plan shall prevail to the extent of the inconsistency.

A4 Section 94 Development Contributions

- (1) The payment of the following monetary contributions totalling **\$89,140.00** is payable prior to the issue of a construction certificate pursuant to section 94 of the EP&A Act.

S94 Plan No. 4 Tweed Road Contribution Plan			
Trips per day	\$ per Trip	Sub-Total	Adjusted Total
43.6	1,155	\$50,358	\$28,200.48
S94 Plan No. 5 Open Space (Casual)			
No of ET	\$ per ET	Sub-Total	Adjusted Total
4.457	526	\$2,344.38	\$1,312.64
S94 Plan No. 5 Open Space (Structured)			
No of ET	\$ per ET	Sub-Total	Adjusted Total
17.9994	602	\$10,835.64	\$6,068.16
S94 Plan No. 11 Shirewide Library Facilities			
No of ET	\$ per ET	Sub-Total	Adjusted Total
4.457	816	\$3,636.91	\$2,036.72
S94 Plan No. 12 Bus Shelters			
No of ET	\$ per ET	Sub-Total	Adjusted Total
17.9994	62	\$1,115.96	\$624.96
S94 Plan No. 13 Eviron Cemetery			
No of ET	\$ per ET	Sub-Total	Adjusted Total
17.9994	121	\$2,177.93	\$1,219.68
S94 Plan No. 15 Community Facilities (Tweed Coast - North)			
No of ET	\$ per ET	Sub-Total	Adjusted Total
4.457	1,352	\$6,025.86	\$3,374.56
S94 Plan No. 18 Extensions to Council Administration Offices			
No of ET	\$ per ET	Sub-Total	Adjusted Total
4.457	1,812.62	\$8,087.85	\$4,524.16
S94 Plan No. 22 Cycleways			
No of ET	\$ per ET	Sub-Total	Adjusted Total
4.457	460	\$2,050.22	\$1,148.00
S94 Plan No. 26 Regional Open Space (Casual)			
No of ET	\$ per ET	Sub-Total	Adjusted Total
4.457	1,064	\$4,742.25	\$2,655.52
S94 Plan No. 26 Regional Open Space (Structured)			
No of ET	\$ per ET	Sub-Total	Adjusted Total
17.9994	3,730	\$67,137.76	\$37,975.12
Total		\$158,512.76	\$89,140.00

- (2) The contribution must 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 Council.
- (3) A copy of the Section 94 contribution plans may be inspected at Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah NSW 2484.
- (4) Contribution rates are as at July 2012 and will be subject to indexing as indicated in Council's Contribution Plans.

A5 Section 64 Monetary Contribution

- (1) Contributions plans relevant to the subdivision include:
 - a) Development Servicing Plan for Water Supply Services (July 2007)
 - b) Development Servicing Plan for Sewerage Services (July 2007)
- (4) The payment of the following monetary contributions totalling **\$81,924.00** is payable prior to the issue of a construction certificate pursuant to Section 64 of the *Local Government Act 1993*.

Development Servicing Plan for Water Supply Services			
No of ET	\$ per ET	Sub-Total	Total
4.1	12,150	\$49,815	\$49,815
Development Servicing Plan for Sewerage Services			
No of ET	\$ per ET	Sub-Total	Total
5.5	5,838	\$32,109	\$32,109
Total			\$81,924

- (5) These charges are to remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
- (6) A copy of the Section 64 contribution plans may be inspected at Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah NSW 2484.

A6 Lapsing of Approval

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Design Modifications

Prior to the issue of any construction certificate, the proponent must submit amended drawings for the approval of the Director General or his delegate, indicating the following design modifications:

- (1) To delete the roof terrace, the spiral stair case to the roof terrace and the roof element;
- (2) To amend the circulation core/walkway fronting the Tweed Coast Way to be similar to the one fronting Cypress Crescent to provide additional modulation to the building façade; and
- (3) The cabana should be set back a minimum of 1m from the eastern boundary to allow a continuous landscaping area along the full length of the eastern boundary.

B2 Design Verification Statement

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 registered architect, 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*

B3 RFS Bushfire Requirements

- (1) The northern part of the site adjacent Cudgen Nature Reserve must be managed in perpetuity as an inner protection area as outlined within Appendices 2 & 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.
- (2) The following minimum asset protection zones must be provided to the units or any alternate solution as approved by the NSW Rural Fire Service:
 - (a) 45 metres to tourist/residential units
 - (b) 28 metres to residential units
 - (c) The above asset protection zones may include land within 20m of the northern boundary of the site within Cudgen Nature Reserve.
- (3) Water, electricity and gas supplies are to be installed in accordance with sections 4.1.3 and 4.2.7 of *Planning for Bushfire Protection 2006*.
- (4) An emergency and evacuation plan is to be prepared in accordance with section 4.2.7 of *Planning for Bushfire Protection 2006*.
- (5) Construction must comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire prone-areas and section A3.7 Addendum Appendix 3 *Planning for Bushfire Protection 2006*.
- (6) Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
- (7) 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 the project.

B4 Construction Management Plan

Prior to the issue of a construction certificate for the project, a Construction Management Plan must be submitted to and approved by the certifying authority. A copy of the approved plan must be submitted to council. The Plan must address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic and pedestrian management;
- (4) noise and vibration management;
- (5) construction waste management;
- (6) erosion and sediment control; and
- (7) flora and fauna management.

B5 Traffic & Pedestrian Management Plan

Prior to the issue of a construction certificate for the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RMS publication 'Traffic Control at Works Sites' Version 2 must be prepared by an RMS accredited person, and must be submitted to and approved by the certifying authority. Safe public access must be provided at all times. The plan must 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 proponent must submit a copy of the approved plan to council.

B6 Construction Waste Management Plan

Prior to the issue of a construction certificate for the project, a Waste Management Plan must be prepared by a suitably qualified person to the satisfaction of the certifying authority. The proponent must submit a copy of the plan to council.

B7 Erosion and Sediment Control Plan

Prior to the issue of construction certificate an Erosion and Sediment Control Plan must be submitted to and approved by the certifying authority. The Erosion and Sediment Control Plan must be provided in accordance with the following:

- (1) The construction certificate application for the project must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of council's *Development Design Specification D7 - Stormwater Quality*.
- (2) Construction phase erosion and sediment control must 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.

B8 Car Park and Service Vehicle Layout

- (1) A minimum of 40 car parking spaces is required for the owners/occupiers of the apartment units. A minimum of 6 visitor spaces is required with unrestricted access for visitors.
- (2) The layout of the car park must comply with Australian Standard AS2890.1:2004.
 - a) Visitor Park VP1 shall provide a minimum width of 3400mm if the partition separating the visitor car space and the store space is a physical barrier.
 - b) Car Park No.1 shall provide a minimum depth of 5200mm.
 - c) Car Park No.7 & Car Park No.8 shall provide a minimum depth of 5200mm at their shallowest point.
 - d) Disabled Car Park No.13 shall be in accordance with the disabled car parking requirements of AS2890.1:2004. A depth of 3810mm to the proposed exit path is insufficient.
 - e) Tandem Car Parks No.20 to No.35 shall provide a combined minimum depth of 10400mm in order to provide individual depths of 5200mm.
 - f) Turning templates shall be provided to confirm all vehicles can exit the site in a forward direction.
 - g) All parking spaces are to be line-marked.
- (3) The layout of the service car parking area and spaces must comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (4) The basement car park shall provide storage areas for a minimum of 2 bicycles per unit.
- (5) The basement car parking is to be protected against localised stormwater runoff down Cypress Crescent. Any installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 *"National Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions"*.

Details demonstrating compliance with these requirements must be submitted to the satisfaction of the certifying authority prior the issue of the construction certificate.

B9 Noise Management Plan

A Noise Management Plan is to be prepared addressing the following as a minimum:

- (1) Identification of each work area, site compound and access route (both private and public);
- (2) Identification of the specific activities that will be carried out and associated noise sources at each work area, site compounds and access routes;
- (3) Identification of the primary potentially affected sensitive receivers;
- (4) An assessment of likely noise generation levels for key construction phases of the development;
- (5) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction;
- (6) Procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity;
- (7) Measures to receive, record and respond to complaints;

- (8) Measures to monitor and report against noise performance; and
- (9) Mitigation measures and treatments in accordance with relevant Australian Standards including the use of acoustic-absorptive finishes and perimeter treatments to dwellings and loading bay areas.

The Noise Management Plan is to be submitted to the certifying authority for approval prior to issue of the construction certificate for the project.

B10 Outdoor Lighting

- (1) All outdoor lighting must comply with, where relevant, AS/NZ1158.3 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (2) 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 the project.

B11 Stormwater and Drainage Works Design

- (1) The peak stormwater flow rate that may be discharged from the site to the public realm in events of intensity up to the ARI 100 year storm shall be limited to the pre development floor rates utilising water sensitive urban design measures in accordance with Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Healthy Waterways) and or on site stormwater detention (OSD) utilising above and/or below ground storage.
- (2) OSD devices including discharge control pits (DCP) are to comply with the standards in the current version of The Upper Parramatta River Catchment Trust's *On-Site Stormwater Detention Handbook* - except that permissible site discharge (PSD) and site storage requirements (SSR) do not apply to Tweed Shire.
- (3) All stormwater must initially be directed to the DCP. Details are to be submitted with the s68 stormwater application. This condition replaces previous one – as advised by council

B12 Stormwater Quality

All stormwater runoff is to be adequately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources. Permanent stormwater quality treatment must be provided to the satisfaction of Council and in accordance with the following:

- (1) The construction certificate application for the project must include a detailed stormwater management plan for the occupational or use stage of the development prepared in accordance with Section D7.07 of council's *Development Design Specification D7 - Stormwater Quality*.
- (2) Permanent stormwater quality treatment must comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and councils *Development Design Specification D7 - Stormwater Quality*.
- (3) All runoff from car parking, driveway and hardstand areas must be treated to remove oil and sediment pollutants prior to discharge to the public drainage system. Proprietary treatment devices must be sized in accordance with Section D7.12 of council's *Development Design Specification D7 - Stormwater Quality*, with engineering details (including maintenance schedules) to be submitted with the s68 stormwater application. Roof water does not require treatment and should be discharged downstream of treatment devices to minimise sizing requirements.
- (4) Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Tweed Shire Council shall be submitted to the certifying authority prior to issue of a construction certificate.

B13 Groundwater

- (1) All groundwater licences must be obtained and associated works appropriately authorised prior to works commencing.

- (2) All works that intersect the aquifer should be licenced by NOW prior to any work being carried out.
- (3) For any areas on the site that require dewatering, a water licence under Part 5 of the *Water Act 1912* should be obtained prior to commencement of work. This water licence application must be accompanied by a groundwater and excavation monitoring program and acid sulphate soils contingency plan, developed to the satisfaction of NOW.
- (4) No dewatering is permitted without the written approval of Tweed Shire Council.

B14 Landscaping

A detailed landscaping plan shall be submitted to and approved by Tweed Shire Council prior to the issue of construction certificate in which all species are chosen from Tweed Shire Council's *Native Species Plant List and Planting Guide* and selecting species only from the vegetation community and soil type specific to the site location.

B15 Earthworks

- (1) All earthworks shall be graded at a minimum of 1% so that the site drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties.
- (2) All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

B16 Works in Road Reserve

- (1) An 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.
- (2) The Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the provision of an access for unit development, in accordance with Section A2 - "*Site Access and Parking Code*" of Council's consolidated Tweed Development Control Plan and Council's "*Driveway Access to Property - Part 1*" Design Specification June 2004. The access shall provide the required 2m x 2m "sight triangle" envelope.
- (3) 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; and
 - (f) Traffic control plan.

B17 Sheet Piling

- (1) Any sheet piling that utilises ground anchors that extend under public roads or public land must not be used unless the applicant or owner enter into a contract regarding liability for the ground anchors and lodges an application under Section 138 of the *Roads Act 1993* together with an application fee of \$10,000 and a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.
- (2) Council will not permit ground anchors within private property, without prior consent from the property owner being obtained.

B18 Section 68 application

- (1) Prior to the issue of a Construction Certificate, applications shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the *Local Government Act 1993* for any of the following works including (but not limited to):

- (a) Water - Disconnection of existing water meters and provision of a Bulk meter. The meter is to be installed by Council at the Developer's expense;
 - (b) Sewerage;
 - (c) drainage works, including:
 - the connection of a private stormwater drain to a public stormwater drain,
 - the extension of the piped stormwater infrastructure within Cypress Crescent in general accordance with Cozens Regan Williams Prove Pty Ltd's Drawing No. Sk.3 Issue B,
 - the installation of stormwater quality control devices, and
 - erosion and sediment control works;
- (2) The Section 68 application for stormwater must be accompanied by a hydraulic assessment detailing the capacity of the downstream pipe and kerb and gutter drainage network in Cypress Crescent. Appropriate on-site detention of roof runoff shall be provided, as required, to ensure that the development does not exceed the capacity of the downstream drainage network.

B19 Long Service Levy

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

B20 Acoustic Treatments

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

B21 Closure of Caravan Park

Prior to the commencement of the closure of the caravan park a plan of management shall be prepared and approved by the Certifying Authority addressing the diminishment of the caravan park over the period of closure to ensure all occupants have access to reasonable and adequate community facilities and services as required under the *Local Government Act 1993* and its relevant Regulation. The plan shall be developed in consultation with Housing NSW and the Office of Fair Trading and a copy provided to Tweed Shire Council prior to its implementation.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Structural Details

Prior to the commencement of construction of the project, the proponent must submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising structural engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia (BCA),
- (2) the relevant project approval,
- (3) drawings and specifications comprising the construction certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C2 Retaining Walls

Prior to commencement of works a certificate of adequacy of design, signed by a practising structural engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the certifying authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

C3 *Erosion and Sediment Control*

Prior to commencement of work 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.

C4 *Existing Services*

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

C5 *Aboriginal Cultural Education Program*

An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community and provided to the certifying authority prior to the release of construction certificate.

C6 *Sewer Lid*

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

C8 *Temporary Builders 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 a standard flushing toilet connected to a public sewer, or if that is not practicable, an accredited sewage management facility approved by the council

C9 *Sewer*

- (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) Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.
- (3) An application shall be made to Council under Section 68 of the *Local Government Act 1993* "Sewer Junction Installation/Disconnection or Alteration" for the disconnection of the existing sewer into the property and installation of a sewer junction in a suitable location.

PART D—DURING CONSTRUCTION

D1 *Approved Plans to be On-site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by any officer of the department, council or the certifying authority.

D2 *Site Notice*

A site notice(s) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

- (1) details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- (2) the approved hours of work;

- (3) 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) a statement that unauthorised entry to the site is not permitted.

D3 Public Access

It is the responsibility of the applicant to restrict public access to the construction works site, and materials and 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*.

D4 Demolition

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

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

D5 Earthworks

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

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

D6 Pre-Construction Dilapidation Report

The proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings and all existing infrastructure and roads. The report must 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.

D7 Advertising Signage

No structures or signs (other than those approved as part of this determination) are to be erected on public land or road reserves to define an entry statement to the project.

D8 Protection of trees & other vegetation

All trees and other vegetation on the site and road reserve that are not approved for removal are to be suitably protected during construction by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches in accordance with AS4970-2009 Protection of trees on development sites.

D9 Setting Out of Structures

The buildings must 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 must submit a plan to the certifying authority certifying that structural works are in accordance with the approved project application.

D10 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, 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.

D11 Disposal of Seepage and Stormwater

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

D12 Disposal of Soil

No soil, gravel, sand, clay or other material shall be disposed of off-site without the prior approval of Tweed Shire Council.

D13 Dust Control Measures

Adequate measures must 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 must be erected at right angles to the prevailing wind direction or must be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) Earthworks and scheduling activities must 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 must 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 must at all times be covered to prevent the escape of dust or other material;
- (6) All equipment wheels must be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (7) Gates must be closed between vehicle movements and must be fitted with shade cloth; and
- (8) Cleaning of surrounding footpaths and roadways must be carried out regularly.

D14 Hours of Work

The hours of construction for all stages of the project, including the delivery of materials to and from the site, must be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Saturdays inclusive;
- (2) no work on Sundays or Public Holidays; and
- (3) Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - c) the work is approved through the Construction Noise and Vibration Management Plan;
 - d) 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; and
 - e) variation is approved in advance in writing by the Director General.

D15 Construction Noise Objective

- (1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- (2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The proponent must implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.

- (4) 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 measured noise with the construction noise objective.

D16 Vibration Criteria

For all stages of the project, vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).

D17 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works must cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D18 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

- (1) If during the course of future works of any stage of the project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment & Heritage (OEH) must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of OEH.
- (2) If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The NSW Police, the Aboriginal community and OEH are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, OEH should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by OEH. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the NSW Police and OEH.
- (3) All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and OEH.
- (4) The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.

D20 Concrete Footpath

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

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

D21 Waste Disposal

The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

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

D22 Works within Public Road Reserve

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

D23 Satisfactory Inspection Report

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*, and 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.

D24 Inspections

Where council is the PCA, 24 hours notice is to be given 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;
- (4) completion of work and prior to occupation of the building.

D25 Plumbing

- (1) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (2) 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.
- (3) An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- (4) All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- (5) 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.
- (6) 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. 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.
- (8) 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.

PART E—PRIOR TO SUBDIVISION CERTIFICATE OR OCCUPATION CERTIFICATE

E1 Conditions in Part E to be complied with prior to issue of any future subdivision certificate or occupation certificate

In order to ensure development occurs on the basis for which it was assessed, no Occupation Certificate may be issued for any part of the development, until the proponent has satisfied the conditions outlined in Part E of this approval. The registration of any subdivision plan in the Office of the Registrar-General (or its successor) for the site is not permitted until Part E has been satisfied.

E2 *Use of Apartments for Tourist and Residential Purposes*

Apartment number 1 to 3, 9 to 11 and 17 to 19 can only be used for residential purpose. The fourteen (14) dual use apartments (Nos 4 to 8, 12 to 16 and 20 to 23) can be used for either short stay tourist accommodation purposes or residential use or both subject to the restrictions identified on the Strata Plan.

E3 *Retaining Walls*

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the final subdivision certificate application for each affected staged of the subdivision and must state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

E4 *Post Construction Dilapidation Report*

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the project to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the certifying authority, prior to issue of the Occupation Certificate for each stage of the project.

E5 *Restrictions to be identified on Strata Plan*

Prior to the issue of any future strata subdivision certificate, any Strata Plan must incorporate By Laws, that address, but not be limited to, the following matters:

- (1) Details that apply to the use of the units for residential and short term tourist accommodation, to the benefit of the owners corporation, in terms of:
 - a) the location, control, management, use and maintenance of any part of the building or its site as a means of access;
 - b) safety and security measures;
 1. preservation of fire safety;
 2. prevention of hazards;
 - c) the control of noise levels including, but not limited to, amplified music, gatherings of occupiers and use of facilities;
 - d) management of common property including, but not limited to, use of trafficable areas for recreational equipment, storage and gatherings of occupiers;
 - e) behaviour of owners, invitees and occupiers;
 - f) keeping of animals;
 - g) provision of amenities or services;
 - h) controls on hours of operation and use of facilities;
 - i) notification of short term accommodation residents of the Bylaws including notices on all units; and
 - j) occupancy register to be kept by the Strata Manager to record the occupancies and will be available at any time for inspection by Council.
- (2) Proposed management of common areas and shared facilities of the building;
- (3) Equitable access and use of a minimum of 2 accessible units for persons with a disability clearly articulated in the Strata Plan; and
- (4) Compliance with the relevant provisions of the BCA with particular reference to fire safety measures.

E6 *Registration of Easements / Restrictions to use / Right of carriageway*

- (1) Prior to any future subdivision of the site, the creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
- (2) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.

- (3) Drainage Easements are to be placed over all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- (4) Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to service areas, loading areas and car parking areas.
- (5) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council must contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Note: Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.

E7 Plan of Consolidation

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 any occupation certificate.

E8 Landscaping

- (1) The proponent must implement suitable arrangements to provide for landscaping maintenance in accordance with the approved landscaping plan.
- (2) The proponent (or landowner and successors in title) must undertake a programme of regular weed control to keep the site largely free of weeds.

E9 Utilities –Telephone and Electricity Services

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the subdivision certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the proponent.

E10 BASIX Certificate

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

E11 Fire Safety Certificate

A Fire Safety Certificate must be furnished to the certifying authority 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 Certifying Authority.

E12 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.

E13 Mechanical Ventilation

The installation and testing of all the mechanical ventilation systems, the proponent must provide evidence to the satisfaction of the certifying authority, 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 project approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

E14 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the 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) must be submitted to the approval 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.

E15 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 proponent /developer 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.

E16 Compliance with bushfire requirements

Prior to the release for any Occupation Certificate for the project, a report is to be prepared by a suitably qualified bushfire consultant to ascertain if compliance with the RFS requirements in Condition B3 has been achieved. No Occupation Certificate can be issued until Condition B3 has been fulfilled to the satisfaction of the certifying authority.

E17 Street numbering

- (1) 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.
- (2) The street number is to be on a white reflective background professionally painted in black numbers 100mm high.
- (3) For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.
- (4) The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

E18 Road Pavement, Kerb and Gutter

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 Development Design and Construction Specifications.

E19 Asset Creation Form

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

E20 Satisfactory Inspection Report

Prior to issue of occupation certificate, a 'satisfactory inspection report' is required to be issued by Council for all works required under Section 138 of the *Roads Act 1993*, and for all s68h2 permanent stormwater quality control devices.

E21 Certificate of Practical Completion

Prior to the issue of an Occupation Certificate, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.

E22 Final Inspection Report

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.

E23 Works as Executed Plans

- (1) Prior to the issue of any Occupation Certificate, Works as Executed Plans of all infrastructure intended to be dedicated to Council, shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.
- (2) The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:
 - (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
 - (b) the plans accurately reflect the Work as Executed.

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

E24 Swimming Pool

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

E25 Acoustic Certification

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

E26 Design Verification Statement SEPP 65 on completion

Prior to the issue of any Occupation Certificate, the proponent shall submit to the PCA a Design Verification Statement from a registered architect, 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*.

PART F — POST OCCUPATION

F1 Annual Fire Safety Certification

The owner of the building must 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.

F2 Unobstructed Driveways and Parking Areas

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

F3 Noise Control – Plant and Machinery

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

F4 *Public Way to be Unobstructed*

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

F5 *External Lighting*

All externally mounted artificial lighting, including security lighting, is to be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

– End of Schedule 2 –

ADVISORY NOTES

AN1 Compliance Certificate, Water Authority Act, 2000

Prior to issuing a construction certificate, a compliance certificate must be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The proponent must obtain the compliance certificate from the relevant local water supply authority and produce this to the satisfaction of:

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

AN2 Requirements of Public Authorities for Connection to Services

The proponent must 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 must 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 certifying authority prior to the issue of the construction certificate.

AN3 Compliance with Building Code of Australia

The proponent is advised to consult with the certifying authority 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 any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 Use of Mobile Cranes

The proponent must 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 must be complied with to the satisfaction of the certifying authority:

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

AN6 Stormwater drainage works or effluent systems

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

- (1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- (2) management of waste.

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.

AN7 Temporary Structures

State Environmental Planning Policy (Temporary Structures) 2007 may require development consent to be obtained from the council or relevant public authority for the erection of temporary structures. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* identifies certain builders' temporary structures as being exempt development. Such an 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.

AN8 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.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN10 Section 138 Approval

Notwithstanding the issue of this project approval, 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 including the construction of new driveway access (or modification of access) kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths. Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee. Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

End of Advisory Notes

SCHEDULE 3

MP 09_0016

Proponent's Statement of Commitments

Dated August 2012

REVISED STATEMENT OF COMMITMENTS

TABLE 3 – STATEMENT OF COMMITMENTS					
PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
1. Erosion and Sediment Control (Construction Phase)	1.1 Minimise the escape of wind-borne particles by complying with the Erosion and Sedimentation Control Plan	1.1.1 Minimise disturbance area. 1.1.2 Promptly rehabilitate disturbed areas 1.1.3 Regularly water disturbed areas of the site.	To ensure that air pollution does not exceed DECC standards.	Ongoing during the construction phase.	Any complaints to be recorded in the Complaints Register and valid claims to be acted on within one hour. Details to be provided in the quarterly Compliance Report.
	1.2 Minimise mobilisation of sediments by complying with the Erosion and Sedimentation Control Plan	1.2.1 Erect sedimentation fences, inlet filters, hay bale barriers and diversion drains in accordance with the Erosion and Sedimentation Control Plan. 1.2.2 The controls shall be maintained during the construction phase and defects liability period.	To ensure that water quality in receiving waters is not decreased in quality by sediment and nutrient loads.	All sediment and erosion control measures to be in place prior to commencing site work or demolition.	Visual monitoring shall be carried out by the Project Manager on a weekly basis and after each storm event. Details to be contained in the quarterly Compliance Report.
2. Site Safety	2.1 Minimise risk of injury to construction workers and members of the public by generally complying with the Safety Management Plan	2.1.1 The principal contractor shall prepare a Health and Safety Plan and submit the Plan to the Project Manager for approval. The contractor shall comply with the approved Plan.	To ensure that the Occupational Health and Safety Act 2000, Occupational Health and Safety Regulation 2001 and relevant Codes of Practice are complied with.	Prior to commencing any work on the site.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report. Workcover to be notified in appropriate circumstances.
		2.1.2 The principal contractor shall prepare a Traffic and Pedestrian Plan for approval by the Project Manager.	To ensure that traffic and pedestrian management during the construction phase complies with the RTA Traffic Control Worksite Manual and AS1742.3	Prior to commencing work on site.	As above.

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A.C.N. 093 157 165

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TABLE 3 – STATEMENT OF COMMITMENTS

PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
3. Demolition	3.1 Minimise the risk of exposure to asbestos material during the demolition and removal of the existing buildings.	3.1.1 The principal contractor shall ensure that demolition personnel are appropriately qualified to remove and dispose of asbestos material.	To ensure that asbestos containing material is removed in accordance with NSW Workplace Health and Safety Act and relevant NSW Workcover requirements.	Prior to commencing demolition work on site.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report. Workcover to be notified in appropriate circumstances.
4. Acid Sulphate Soil	4.1 Minimise disturbance of acid sulphate soils by limiting excavations in accordance with Acid Sulphate Soils Assessment, Border Tech, September 2009	4.1.1 Comply with the provisions of the Acid Sulphate Soils Manual (ASSMAC, 1998) and prepare an Acid Sulphate Soil Management Plan if excavation is required more than 4.5m below the existing surface levels in which case additional acid sulphate soil testing will be required.	To ensure that significant volumes of acid sulphate soils are not disturbed.	During the excavation phase.	Project Manager to monitor excavation and address compliance in the quarterly Compliance Report.
5. Construction of the Development	5.1 Minimise noise, dust and vibration and amenity impacts by generally complying with the Construction Management Plan and the Safety Management Plan to be prepared prior to construction commencing.	5.1.1 Limit work hours to 7.00am to 6.00pm Monday to Saturday. 5.1.2 Limit noise levels to 5dBA above background at the nearest residential receivers.	To mitigate adverse construction impacts.	During construction.	Project Manager to address compliance in quarterly Compliance Report.
6. Landscaping and Embellishment	6.1 Achieve improved aesthetics and useability of the site.	6.1.1 Carry out the embellishment and landscaping works in accordance with Landscape Concept Plan	To soften the appearance of the building and hardstand areas and provide a more attractive pedestrian environment and car parking area.	Prior to the issue of an Occupation Certificate.	Project Manager to address compliance in quarterly Compliance Report.

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TABLE 3 – STATEMENT OF COMMITMENTS

PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
	6.2 Soften the visual impact of the future buildings and surrounding hardstand areas	6.2.1 Carry out site landscaping in accordance with the Landscape Concept Plan, Verge Urban Landscape Architecture.	As above.	Prior to the issue of an Occupation Certificate.	As above.
7. Cudgen Nature Reserve Protection	7.1 Protect the environmental features of the Cudgen Nature Reserve.	7.1.1 The vegetated areas of the Cudgen Nature Reserve must be protected during the construction phase of the development. A temporary mesh fence must be erected to prevent machinery, construction rubbish and contractors from entering the Reserve. 7.1.2 The cleared area of the reserve must not be used for vehicular access or for storage of building or landscaping materials; 7.1.3 Temporary signage must be erected during the construction phase and permanent signage erected during the operational phase prohibiting entry into the Nature Reserve except in the event of a fire emergency; 7.1.4 Weeds must be controlled on the development site; 7.1.5 Landscape plantings must include a majority of native species that will provide forage habitat for nectarivorous and frugivorous birds and bats; and	To ensure that the environmental features of the Cudgen Nature Reserve are protected and mitigate potential adverse impacts.	Prior to the issue of an Occupation Certificate.	Project Manager to address compliance in quarterly Compliance Report.

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TABLE 3 – STATEMENT OF COMMITMENTS					
PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
8. Aboriginal Cultural Heritage	8.1 Avoid disturbing any areas of Aboriginal Cultural Heritage.	7.1.6 Use of known environmental weeds (eg. Umbrella tree) must be avoided in landscaped areas.			
		8.1.1 Comply with Recommendations 1 to 4 contained in the Cultural Heritage Assessment, Everick Heritage Consultants, November 2009.			
		8.1.2 The applicant shall continue to consult with in a meaningful way and involve all of the relevant Aboriginal representatives identified for the duration of the project in relation to the ongoing management of all Aboriginal cultural heritage matters. Evidence of all Aboriginal consultation must be collated and provided to the consent authority upon request.	To ensure compliance with the National Parks and Wildlife Act 1974.	Ongoing during the construction phase.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
		8.1.3 An Aboriginal Cultural Heritage Education Program is to be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with all of the Aboriginal community			

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PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
9. Maintaining Asset Protection Zones	9.1 The body corporate of the development is to be responsible for maintaining the bushfire asset protection zone within the site as an inner protection area (IPA) as outlined within Appendices 2 & 5 of "Planning for Bushfire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones".	9.1.1 Compliance with the Bushfire Threat Assessment, BCA Check Pty Ltd, September 2009.	To ensure compliance with the Rural Fires Act and Regulations and Planning for Bushfire Protection, 2006.	Ongoing during the operational phase.	Not applicable.
10. Adjacent Land Uses	10.1 To minimise conflicts between the proposed development and adjacent urban and non-urban uses.	10.1.1 Limit construction times to 7.00am to 6.00pm Monday to Saturday 10.1.2 Implement sedimentation and erosion control during the construction phase in accordance with the Erosion and Sedimentation Control Plan.	To minimise conflicts and adverse impacts between potentially incompatible land uses.	Ongoing during construction.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
11. Plans of Development	11.1 The project to be carried out generally in accordance with the Plans of Development prepared by Summerland Design.	11.1.1 The proposed development shall be in accordance with the approved Plans of Development.	To ensure that the development complies with the approved plans.	Ongoing during construction.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.
12. Traffic and Transport	12.1 To ensure that conflict points on the designated road network are minimised.	12.1.1 Remove the existing vehicular crossovers to the Tweed Coast Road and provide a new vehicular crossover to the site from Cypress Crescent.	To ensure that appropriate accessibility and connectivity is provided.	Prior to the issue of an Occupation Certificate.	Monitoring and reporting incidents to be recorded in the Incident Register and details to be included in the quarterly Compliance Report.

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PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
13. Water Supply	13.1 Ensure that an adequate potable water supply is provided to the development.	13.1.1 Provide water supply to each unit in accordance with Tweed Shire Council requirements.	To ensure that an adequate potable water supply is provided.	Prior to the issue of an Occupation Certificate.	As required.
14. Sewerage	14.1 To provide a reticulated sewer system to the estate. 14.2 Ensure that any adjustments to manholes in or adjacent to the site are made as required to enable vehicular access to the site.	14.1.1 Provide sewer supply to each unit in accordance with Tweed Shire Council requirements. 14.2.1 If a sewer manhole is located within the driveway pavement area, the manhole height is to be adjusted and provided with a trafficable lid. Work is to be undertaken in accordance with Tweed Shire Council requirements.	To ensure that an adequate reticulated sewer system is provided. To ensure safe vehicular access to the site is provided.	Prior to the issue of an Occupation Certificate.	As required.
15. Contributions	15.1 Ensure that appropriate contributions are paid based on the demands generated by the development.	15.1.1 Payment of relevant Section 94 and Section 64 Contributions.	To achieve the objectives of the Environmental Planning and Assessment Act in relation to the levying of contributions and comply with Tweed Shire Council policies.	Prior to the issue of an Occupation Certificate.	As required.
16. Ground Water	16.1 Ensure that if dewatering is required that an appropriate licence is obtained.	16.1.1 In the event that groundwater is intercepted during construction, a temporary dewatering licence is to be obtained prior to that work being undertaken.	To ensure that any water discharged from the site as a result of dewatering during construction is appropriately managed to reduce the risk of environmental harm.	During Construction	Project Manager to address compliance in quarterly Compliance Report.

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PROJECT COMPONENT	ENVIRONMENTAL OUTCOME (COMMITMENT)	MEASURE (COMMITMENT)	PURPOSE OF MEASURE	TIMING FOR COMPLETION	MONITORING AND REPORTING
17. Stormwater Management	17.1 Ensure that stormwater discharged from the site is in accordance with the Tweed Urban Stormwater Quality Management Plan	17.1.1 Provide a Stormwater Management Plan in accordance with the Tweed Urban Stormwater Quality Management Plan for approval by the PCA.	To ensure that stormwater discharge from the site is of an appropriate quality.	Prior to the issue of an Construction Certificate.	As required.
	17.2 Ensure that on-site detention of stormwater is provided such that there is no increase the discharge or "no nett worsening" effect on the existing drainage system.	17.1.2 Provide a minimum of 11,140L of 'leaky storage' detention in accordance with the document titled Addendum Information - Stormwater Management prepared by Cozens Regan Williams Prove Pty Ltd Consulting Engineers, dated 27 April 2012.	To ensure that stormwater discharge from the site will not create any additional impacts on the capacity of the down stream stormwater infrastructure.	Prior to the issue of an Occupation Certificate.	As required.
18. Acoustic Treatment	18.1 To ensure that the recommendations of the Acoustic Report Prepared by TTM Group dated 16 March 2012	18.1.1 Implement the recommendations of the Acoustic Report Prepared by TTM Group dated 16 March 2012.	To provide an adequate level of acoustic amenity to the proposed units	Prior to the issue of an Occupation Certificate.	As required.
19. Waste Management (Operational Phase)	19.1 The body corporate of the development is to be responsible for ensuring that the garbage bin/s are moved to the collection point and returned to the basement storage area.	19.1.1 Ensure that appropriate arrangements are in place to ensure that the garbage bins are moved from the basement storage area to the collection point and returned to the storage area.	To ensure that the waste generated by the development is efficiently removed from the site.	Ongoing during operation of the building.	As required.
20. Compliance with the conditions of the Project Approval	20.1 Construct the development in accordance with the approval.	20.1.1 Provide a Compliance Report to the PCA addressing compliance with the conditions and Statement of Commitments of the approval.	To ensure that the project is undertaken in accordance with the approval.	Occupation Certificate.	A quarterly report.

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