

# Modification of Major Project Approval

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

I, the Executive Director, Major Projects Assessments modify, under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.

Chris Wilson  
Executive Director  
**Major Projects Assessments**

Dated this                      day of                      2007

MP05\_0192 MOD40-5-2007  
File no.S07/0677-1

## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	Tweed Coast Holiday Parks Reserve Trust
<b>Application made to:</b>	Minister for Planning
<b>Major Project Application:</b>	MP 05_0192
<b>On land comprising:</b>	Tweed Coast Road, Pottsville Lots 1 and 2 DP 731761, Lot 7016 DP 1055269, Lot 522 DP 822808
<b>Local Government Area</b>	Tweed LGA
<b>For the carrying out of:</b>	Alterations and additions to parts of the Pottsville North Holiday Park to provide 20 additional long term sites and the deletion of 8 short term sites. Eighteen of the 20 long term sites will revert to short term sites once the initial tenants vacate the sites.
<b>Estimated Cost of Works</b>	\$500,000
<b>Type of development:</b>	Major Project
<b>Delegation:</b>	The assessment of the Major Project was delegated to Tweed Shire Council via an Instrument of Delegation dated 8 March 2006.
<b>S.119 Public inquiry held:</b>	No
<b>Determination made on:</b>	9 December 2006
<b>Date consent is liable to lapse:</b>	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.
<b>As Modified by:</b>	MOD 40-5-2007 modifying MP05_0192 as follows: <ul style="list-style-type: none"> <li>to permit staging of the development</li> <li>modification of condition 35 – Rural Fire Service condition</li> <li>modification of condition 37 &amp; 38– S94 and S64 contributions</li> </ul>
<b>Date modified:</b>	

### PART B—NOTES RELATING TO THE DETERMINATION OF MP No. 05\_0192 modified by MOD40-5-2007

#### Responsibility for other approvals / agreements

The Proponent is solely responsible for ensuring that all additional consents 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* (as amended).

### **Appeals—Third Party**

A third party right to appeal to this development consent in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

### **Legal notices**

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

## PART C—DEFINITIONS

In this consent,

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

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

**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 Darryl Anderson Consulting Pty Ltd and dated July 2006.

**Minister** means the Minister for Planning.

**MP No. 05\_0192** means the Major Project 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 Tweed Coast Holiday Parks Reserve Trust or any party acting upon this consent.

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

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

## SCHEDULE 2

### CONSOLIDATED CONDITIONS OF APPROVAL MOD 40-5-2007

## Recommended CONDITIONS OF Approval

### Major Project No. 05\_0192

#### GENERAL

1. The issue of this Major Project Approval does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
2. The development shall be completed in accordance with the Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd and Plan Nos C-00, C-01, C-02, C-03 and C-04 prepared by Integrated Site Design and dated December 2005, except where varied by the conditions of this approval.  
[GEN0005]

**INSERT** Condition **2A** below Condition 2 as follows:  
2007]

[MOD40-5-

- 2A. The development may be constructed in two stages, subject to compliance with relevant conditions, as follows:  
Stage 1 includes Areas A – F as shown on Dwg No. C-00, Existing Layout & Proposed Changes dated December 2005  
Stage 2 includes Area G. Sites S12 – S29 in Area G may be constructed and used individually or in groups as required.
3. 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 property.  
[GEN0135]
4. **DELETE** Condition 4 and **INSERT** Condition 4A  
[MOD40-5-2007]
- 4A. Prior to the placement of any structures on new sites, the park shall obtain from Council an updated Section 68 approval to operate, subject to the staging arrangements contained in this consent.
5. Where directed by Council officers the boundary of a site shall be marked to the satisfaction of the Director of Environment and Community Services.  
[GENNS01]
6. New structures shall not be placed in the buffer zone between the boundary of the property and any site boundary.  
[GENNS01]
7. The number of approved sites in the park shall be not greater than 61 long term, 88 short term and 35 camp sites other than complying with Condition 8 of this approval.  
[GENNS01]
8. The eighteen long term sites contained within Area 'G' are to revert to short term sites once each individual long term tenant vacates these sites. Once the entire initial tenants of Area 'G' have vacated these sites the number of approved sites in the park

shall not be greater than 43 long term, 106 short term and 35 camp sites.

Residents relocating from Tweed Waters Caravan Park, also known as Banora Point Caravan Park, will be given first preference for the long-term sites in Area 'G', on a "whole of life" basis.

The tenancy agreements for the Area 'G' sites will stipulate that the tenancy does not include any right of sale and/or assignment or sub-letting in keeping with the provisions of Sections 41(4)(b) and 80(2) of the Residential Parks Act 1998.

9. This approval is for an additional 20 long term (LT) sites and the deletion of 8 short term (ST) sites resulting in a total of 61 LT and 88 ST sites. Eighteen (18) of the twenty (20) LT sites will revert to ST sites once the initial tenants vacate the sites (the 18 sites are described as Area 'G').

The details of the proposal are as follows: -

- Area A: This area currently contains an amenities block, this block is to be demolished and replaced by two (2) new long term (LT) sites.
- Area B: This area currently is vacant, with the site proposed for the location of the new amenities building. Parallel to the proposed amenities building to the east adjacent to Tweed Coast Road is the proposed location of ten (10) visitor car spaces to accommodate for the increase in sites.
- Area C: This area is currently vacant, two (2) new LT sites are proposed in the area.
- Area D: This area currently contains four (4) LT sites, a reconfiguration of the area proposes a net yield of three (3) sites. This is a reduction of one (1) LT site.
- Area E: This area currently contains two (2) existing structures over three (3) sites, a reconfiguration of these sites is proposed to conform to the two existing structures therefore a loss of one (1) LT site.
- Area F: This area currently contains one (1) large cabin, which accommodates three (3) units for ST accommodation. The proposal seeks to remove the cabin and create two (2) new LT sites.
- Area G: This area is generally underdeveloped land apart for a sealed, fenced off area to the north adjacent to the Bowling Club for the storage of caravans. This area proposes eighteen (18) LT sites all serviced by road, water, power and sewer.

[GENNS01]

10. A minimum of 10 new clearly identified visitor car parking spaces shall be provided, and the dimensions of those parks shall comply with Clause 97(3) of the Regulations.

[GENNS01]

11. Each new site shall be provided with an on-site car parking space in accordance with Clause 96 of the Regulations.

[GENNS01]

12. Sites s12 - s29 shall be designated long term, and shall revert to short term sites once they are vacated by the initial tenants.

[GENNS01]

13. A post earth works surface radiation survey (in the area where 18 new LT sites are created) shall be completed and a validation statement provided to Council, prior to commencement of use, which establishes that surface radiation levels are below relevant NSW Health Action Levels.

[GENNS01]

14. All structures placed on sites s12 - s29 shall be self-contained, or laundry, shower and toilet facilities provided to each site prior to the placement of any structures on the relevant sites.

[GENNS01]

15. Street lighting shall be provided in accordance with Clause 100 of the Regulations. [GENNS01]
16. Fire hydrants and hose reels shall be provided in accordance with Clauses 128 & 129 of the Regulations. [GENNS01]
17. Minimum road widths shall comply with Clause 94 of the Regulations. [GENNS01]
18. Speed limit signs shall be provided in accordance with Clause 95 of the Regulations. [GENNS01]
19. Road surfaces shall comply with Clause 99 of the Regulations. [GENNS01]
20. Amenities buildings shall be constructed in accordance with the provisions of Clause 110 of the Regulations. [GENNS01]
21. **DELETE** condition 21 and **INSERT** Condition 21A as follows: [MOD40-5-2007]
- 21A. The area directly to the west of Area 'G' to a distance of 40 metres shall be maintained as an 'Inner Protection Area' (IPA) as outlined within '*Planning for Bushfire Protection 2006*' and the Service's document '*Standards for asset protection zones*'.
22. The amelioration measures contained within Section 6.2 of the Flora and Fauna Assessment prepared by Aspect North contained within the Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd are to be undertaken to minimise impacts of the proposed works. [GENNS02]
23. A detailed Vegetation Management Plan is to be submitted to Council and approved by the General Manager or his delegate prior to issue of a construction certificate or works commencing whichever occurs first. The Plan will include the provision of:
- a. A vegetative buffer between sites s24 to s29 and the property boundary.
  - b. A vegetative buffer between sites s17, s18 and s29 and the Tweed Coast Road property boundary.
  - c. A vegetative buffer between sites s3 and s4 and the property boundary.
  - d. A vegetative buffer shall be placed and maintained between site s4 and the Tweed Coast Road property boundary.
- [GENNS01]
24. The mature trees in Area 'G' are to be retained. In this regard a plan showing the trees to be retained is to be submitted to Council for approval by the General Manager or his delegate prior to works commencing. [GENNS02]
25. The park owner reserves the right to refuse an application to install a movable dwelling onto any long term site in the park where it in its absolute discretion it believes the proposed movable dwelling is not of a suitable and/or satisfactory standard.
26. All current and future residents acknowledge that the park rules expressly prohibit the keeping of pets other than those allowed for by law, for example, an assistance animal.

27. All sites within Area 'G' shall be situated a minimum 80 metres from the western bank of Cudgera Creek.
28. **DELETE** Condition 28 and **INSERT** Condition 28A as follows: [MOD40-5-2007]
- 28A. A 20 metre APZ shall be provided to the south of Area 'G', and maintained as an 'Inner Protection Area' (IPA) as outlined within *Planning for Bush Fire Protection 2006* and the service's document '*Standards for asset protection zones*'.
29. Roofing shall be gutterless or have leafless guttering and valleys, which are to be screened with non corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
30. Shade cloth materials proposed for this development shall have a flammability index of no greater than 5 as measured against the performance requirements of AS1530.2:1993.

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

31. **DELETE** Condition 31 and **INSERT** Condition 31A as follows: [MOD40-5-2007]
- 31A. Development within Areas 'E' and 'F' shall be provided with a minimum 30 metre APZ, maintained as an 'Inner Protection Area' (IPA) as outlined within *Planning for Bushfire Protection 2006* and the Service's document '*Standards for asset protection zones*'. Note: Cudgera Creek may be incorporated as part of the required APZ.
32. **DELETE** Condition 32 and **INSERT** Condition 32A as follows: [MOD40-5-2007]
- 32A. Access to Area 'G' is to comply with Section 4.2.7 of '*Planning for Bushfire Protection 2006*'.
33. An alternative access point shall be provided directly linking the internal access roads within Area 'G' to Tweed Coast Road.
34. Reticulated water supply shall comply with AS2419 - 1994 'Fire Hydrant Installations - Systems Design Installations and Commissioning'. Locations of fire hydrants are to be delineated by Blue pavement markers in the centre of the road.
35. **DELETE** condition 35 and **INSERT** Condition 35A follows: [MOD40-5-2007]
- 35A. Any new habitable buildings installed after the date of approval of Major Project Application No. 05\_0192 within Areas 'E' and 'F' are to fully comply with the requirements of Level 3 construction as required by Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas'.
36. Habitable buildings within Areas 'A', 'C', 'D', and 'G' are to fully comply with the requirements of Level 1 constructions as required by Australian Standard AS3959 1999 'Construction of buildings in bushfire-prone areas'.
37. **DELETE** and **INSERT** Condition 37A as follows: [MOD40-5-2007]
- 37A. **Section 94 Contributions**  
Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority and

each site contained within Stage 2 known as Area G is not to be constructed and or used and or occupied (which can be paid on a per site basis) unless all Section 94 Contributions pertaining to each site have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

**A current copy of the contribution fee sheet attached to this must be provided at the time of payment.**

These charges will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

**The following table provides details of the contributions for each stage.**

<b>Contribution</b>	<b>Stage 1 (2 Additional Sites)</b>	<b>Stage 2 (18 Additional Sites)</b>
(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0)	\$4,044.00 – 7.8 trip	\$23,144.00 – 44.64 trips or \$1,285.78 – 2.48 trips per site
(b) Open Space (Structured): S94 Plan No. 5	\$1,020.00 – 1.3076 ET	
(c) Open Space (Causal): S94 Plan No. 5	\$218.00 – 1.3054 ET	\$1,142.00 – 6.84 ET or \$63.44 – 0.38 ET per site
(d) Shirewide Library Facilities: S94 Plan No. 11	\$900 – 1.3082 ET	
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$180 – 1.374 ET	
(f) Community Facilities (Tweed Coast – South) S94 Plan No. 15	\$762.00 – 1.304 ET	
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$262.00 – 1.31 ET	\$2,358.00 – 11.79ET or \$131.00 – 0.6550 ET per site
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1,659.08 – 1.3076 ET	\$13,175.47 – 10.3842 ET or \$731.97 – 0.5769 ET per site
(i) Cycleways S94 Plan No. 22	\$460.00 – 1.3068 ET	\$4,140.00 - 11.7612 ET or \$230.00 – 0.6534 ET per site
(j) Regional Open Space (Structured) S94 Plan No. 26	\$3,042.00 – 1.3072 ET	
(k) Regional Open Space (Casual) S94 Plan No. 26	\$1,118.00 – 1.3076 ET	\$5,848 – 6.8400 ET or \$324.88 – 0.38 ET per site

**38. DELETE** condition 38 and **INSERT** Condition 38A as follows:

[MOD40-5-2007]

**38A. A certificate of compliance (CC)** under Sections 305, 306 and 307 of the *Water*

*Management Act 2000* is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the *Environmental Planning and Assessment Regulations 2000*, a Construction Certificate shall **NOT** be issued by a Certifying Authority and each site contained within Stage 2 known as Area G is not to be constructed and/or used and/or occupied (which can be paid on a per site basis) unless all Section 64 Contributions pertaining to each site have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Contribution	Stage 1 (2 Additional Sites)	Stage 2 (18 Additional Sites)
Water DSP 6	0.8 ET - \$3,678.00	9.0 ET - \$41,382.00 or 0.5 ET - \$2,299.00 per site
Water Levy Inner	0.8 ET - \$1,440.00	9.0 ET - \$16,200.00 or 0.5 ET - \$900.00 per site
Sewer Hastings Pt	1 ET - \$2,863.00	10.8 ET - \$30,920.00 or 0.6 ET - \$1,717.80 per site

These charges 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.

39. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
  - (c) The stormwater and site works 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.
  - (d) Specific Requirements to be detailed within the Construction certificate application include:
    - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
- [PCC1105]
40. A construction certificate application for works that involve any of the following:-
- ☐ connection of a private stormwater drain to a public stormwater drain

- ☐ installation of stormwater quality control devices
- ☐ erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

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

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

42. The internal "teardrop" one-way access road near the entry is to be re-configured to create traffic flow in a clockwise direction, and the angle of the car parking spaces is to be altered to reflect clockwise traffic flow.

[PCCNS01]

43. The development shall comply with the requirements of DCP No.5 - Development of Flood Liable Land, including the following:

- a) All new caravan sites must be at a level of not less than the design flood level of RL 2.4m AHD.
- b) Where filling is required to achieve the minimum surface level, all fill batters shall be contained wholly within the development site, and shall be appropriately protected from scour and erosion due to stormwater and/or flood flows. All filling works shall consider local stormwater flow patterns, and provide additional perimeter drainage as necessary.
- c) Minimum habitable floor level of all new cabins/caravans shall be RL 2.7m AHD.

[PCCNS02]

## **PRIOR TO COMMENCEMENT OF WORK**

44. The erection of a building in accordance with a major project approval must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the major project approval has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the major project approval of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the major project approval, if not carrying out the work as an owner-building, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

46. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

47. 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:

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-

- (i) the method of protection; and
- (ii) the date of installation of the system; and
- (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- (iv) the need to maintain and inspect the system on a regular basis.

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

[PCW0775]

48. 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 Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

49. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

50. Sediment and erosion control measures shall be placed and maintained to the satisfaction of the Director of Environment and Community Services.

[PCWNS01]

## ***DURING CONSTRUCTION***

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

Monday to Saturday from 7.00am to 7.00pm  
No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

52. 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).

[DUR0375]

53. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

[DUR0405]

54. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in

progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

55. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0645]

56. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0655]

57. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- ☐ Noise, water or air pollution
- ☐ Minimise impact from dust during filling operations and also from construction vehicles
- ☐ No material is removed from the site by wind

[DUR1005]

58. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

59. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

60. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

61. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

62. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR2495]
63. Dual flush water closet suites are to be installed in accordance with *Local Government Water and Sewerage and Drainage Regulations 1993*. [DUR2515]
64. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR2535]
65. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]
66. Surface lime shall be placed and maintained in the location of stormwater overflow areas for the duration of works. [DURNS01]
67. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence. [DUR0215]
68. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
69. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]

70. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
71. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR1795]
72. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]
73. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary. [DUR2205]
74. Appropriate measures are to be put in place during the construction 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. [DUR2405]
75. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
76. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate. [DUR2425]
77. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
78. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 2.7 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level. [DUR1365]
79. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices. [DUR1415]
80. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

### ***PRIOR TO issue of an OCCUPATION certificate***

81. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

[POC1045]

83. Prior to the issue of a final occupation certificate, all conditions of approval are to be met where relevant.

[POC1055]

84. The park shall be operated in accordance with Subdivision 1-8 of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations, 2005*.

[USENS01]

85. Activities at the premise shall not be permitted to unreasonably impact the amenity of any premise.

[USENS01]

### ***USE***

86. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

87. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the *Protection of the Environment Operations Act 1997* prohibiting the pollution of waters.

[USE0155]

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

[USE0225]

89. The premises shall be maintained in a clean and tidy manner.

[USE0965]

## ***ADVISORY NOTES***

**INSERT** Advisory Note AN1 below as follows:

[MOD40-5-2007]

- AN1. Tenants of existing habitable buildings within Areas 'E' and 'F' should be advised that their dwellings should be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This may include all sub-floor areas and eaves.

## **SCHEDULE 3**

**MP 05\_0192**

**Alterations and Additions to North Pottsville Holiday Park**

**Pottsville, Tweed LGA**

**Statement of Commitments**

**(Source: ENVIRONMENTAL ASSESSMENT)**

SOIL AND WATER MANAGEMENT	
OBJECTIVE	ACTION
To ensure that runoff discharge into the Cudgers Creek achieves the standards adopted by Tweed Shire Council in the Tweed Coast Estuaries Management Plan.	<ul style="list-style-type: none"> <li>• Install appropriate erosion and sedimentation control devices (filter fences, hay bales, catch drains, etc.) prior to commencing construction and any other site works.</li> <li>• Discharged hardstand areas to lawns and gardens.</li> </ul>
ACID SULPHATE SOILS	
OBJECTIVE	ACTION
<p>Avoid disturbance of Acid Sulphate Soils where possible.</p> <p>Ensure that acid runoff does not discharge to Cudgers Creek.</p>	<ul style="list-style-type: none"> <li>• Comply with the Acid Soils Assessment at Annexure E.</li> </ul>
FLOODING	
OBJECTIVE	ACTION
Minimise obstruction of flood flows.	<ul style="list-style-type: none"> <li>• Ensure that all sites comply with Development Control Plan No. 5.</li> </ul>
TRAFFIC	
OBJECTIVE	ACTION
To ensure that safe and efficient vehicular access is provided to the site.	<ul style="list-style-type: none"> <li>• Limit permanent access to the existing roundabout at Bororia Avenue.</li> </ul>
FLORA AND FAUNA	
OBJECTIVE	ACTION
To protect threatened species of fauna.	<ul style="list-style-type: none"> <li>• Measures to protect fauna species (such as frogs) should be employed during site levelling through the installation of sediment traps on all slopes and drains.</li> <li>• Waste material, including vegetation, is not to be pushed into the drains within and surrounding the site.</li> <li>• Comply with the recommendations contained in the Flora and Fauna Assessment at Annexure G.</li> </ul>
CULTURAL HERITAGE	
OBJECTIVE	ACTION
Avoid disturbing cultural heritage items and relics.	<ul style="list-style-type: none"> <li>• Comply with the recommendations contained in the Archaeological Assessment at Annexure F.</li> </ul>
UTILITIES	
OBJECTIVE	ACTION
Protect existing utilities in and adjacent to the site.	<ul style="list-style-type: none"> <li>• Clearly mark the location of underground utilities with permanent markers.</li> <li>• Notify relevant utility authorities if any damage occurs.</li> </ul>

SITE USE	
OBJECTIVE	ACTION
Ensure Sites S12 to S29 are ultimately used as permanent sites	<ul style="list-style-type: none"> <li>• When the first long term tenant of each site vacates the site, that site shall only be used as a short term site.</li> </ul>