

# Items for Consideration of Council

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# Reports from Director Development Services

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## **MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

### **MATTERS FOR CONSIDERATION**

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.

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**1. ORIGIN:** Strategic Town Planning Unit

**FILE REF:** DA4917/235 Pt12

**REPORT TITLE:**

**Draft Amendment to Development Control Plan 21 and the Development Application for Stages 5 and 6 Koala Beach Deed of Agreement**

**SUMMARY OF REPORT:**

Koala Beach development will have a reduced the ultimate yield of about reduced from an approximate 865 dwellings to 521 dwellings. The development application for Stages 5 and 6 is advised to be subject of a recommendation to the Minister for determination on 2 July 2003.

Key issues in the development application have required resolution that trigger a need to amend the Deed of Agreement and Development Control Plan that apply to Koala Beach. This report also addresses the important issue of proper process - whether the Development Control Plan amendments exhibition and decision-making process need to be completed prior to development application determination.

The developers have submitted to Council a draft Deed of Agreement to amend the existing Agreement. Copies of both documents are attached to this report.

**RECOMMENDATION:**

That Council:

1. Delegates to the General Manager to finalise the draft Deed of Agreement (Annexure 1) with the developers of Koala Beach and Council's Solicitors subject to:
  - i) the addition of a clause which requires the completion of the open space prior to the release of the subdivision certificate for Stage 5 and/or 6;
  - ii) amending proposed Clause 3.1 to replace the word "owner" wherever it appears with the words "developer of Stages 5 and 6";
  - iii) amending proposed clause 3.1(a)(viii) to included a 25% contingency;
  - iv) delete proposed clause 22.1;
  - v) replacement of proposed clause 22.2 with the following:

*"Plans for the access road to the active open space must be approved and the work contained in the plans completed prior to the release of the Subdivision Certificate for Stage 5 and/or 6 whichever occurs earlier. In the event that those works are not completed by that time Council will accept a bond for the value of the works plus 25%";*
  - vi) delete proposed Clauses 4B.1, 4B.2 and 4B.3 and insert the following:

*"4B.1 The Owner will transfer to the Council, at the owner's cost, prior to the release of the Subdivision Certificate for Stage 5 and/or 6, whichever occurs earlier, those parts of the Koala Beach Land as generally indicated as the area coloured blue, orange (and green and purple, unless already dedicated) on the plan in Annexure "F".*

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- 4B.2      *The land to be dedicated to Council in accordance with Clause 4B.1 shall be embellished to Council's standards and approval prior to dedication.*
- 4B.3      *Prior to the dedication of land coloured blue and orange on the plan in Annexure 1, the owner shall prepare a Management Plan to Council's satisfaction for that land in respect of Bushfire Management, Vegetation Management and Threatened Species.*
- 4B.4      *The Council acknowledges that the land to be transferred to the Council under Clause 4B.1 will not include a 10 metre (approximately) wide strip between the northern-most boundary of Stage 5 and the southern boundary of Stage 7 which will be used as a driveway access to Stage 7. Such area shall be determined by the Owner in its discretion but shall be generally in accordance with the location shown on the plan, in Annexure "F".*
2.      The amended and finalised Deed of Agreement be executed under the Common Seal of Council.
  3.      Council prepares and exhibits a draft amendment to Development Control Plan No 21 – Sea Ranch.
  4.      Advises the Manager Assessments Branch, Department of Infrastructure, Planning and Natural Resources that no objection is raised to a recommendation being made to the Minister for the determination of the Development Application for Stages 5 and 6 Koala Beach prior to the exhibition and final Council decision on the draft amendments to Development Control Plan No 21 – Sea Ranch.

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### REPORT:

At the meeting held on 4 June 2003 Council endorsed the advice of the Acting General Manager to the proponents of Koala Beach in respect of the revised provision of active open space.

Briefly, a Development Application has been lodged with PlanningNSW for a 208 lot residential subdivision and a 23 lot subdivision at Lot 463, DP 1040725 Cudgera Avenue, Pottsville (Koala Beach). In accordance with SEPP No 71 – Coastal Protection the consent authority for this application is the Minister.

The application has raised key issues in respect of:

1. Council's current controls for the property in respect of a link road between the property and the Seabreeze subdivision.
2. The legal agreement between the proponents and Council for the provision of four (4) hectares of active open space.

The link road is a vital element in the road network to accommodate future residential areas in Pottsville. It will provide the essential connectivity between residential areas and such local facilities as shopping and schools; and provide the basis for an effective and efficient public transport network. The road (which is to be designed as a low speed rural road) is included in Section 94 Contribution Plan No 4 Tweed Road Contribution Plan.

The proponent has been advised by Council officers that PlanningNSW will be advised that the link road should be accommodated in any consent for Stages 5 and 6.

The active open space provision was based on a total yield of 865 dwellings, which the proponents now propose to reduce to 521. Whilst this reduces the active open space requirement it is essential that the resultant space be useable as playing fields. A minimum area of 4.0ha has been the basis for active open space related to the highest, ultimate yield.

To ensure that the reduced area remains useable discussions have resulted in the proponents being responsible for the following:

1. The embellishment of 2 hectares of playing fields – allowing between 1,000 and 2,000m<sup>2</sup> around the perimeter to ensure that the 2 hectares is fully usable.
2. Providing the amenities block which will be serviced with water, sewer and power – in accordance with the standards and requirements for design to be advised by the Manager, Recreation Services, Stewart Brawley. The access to the playing fields will be from stage 3 via a rural road cross section.
3. The design of the playing fields and associated facilities and for the closure of the Crown Road that bisects the site.

In the event of the total scope of works for the provision of the playing fields and associated services not being completed by the time the proponent seeks to have the release of the linen plans for stages 5 and 6, Council will accept a bond for the value of the non-completed works.

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Annexure 3 indicates the location of the open space and the link road.

Council has been requested to provide conditions for inclusion in any consent to be given by the Minister. The purpose of this report is to seek endorsement of the key amendments to the Deed of Agreement for the property; the proposed amendment to DCP No 21 – Sea Ranch; and advice proceeding to the Department of Infrastructure, Planning and Natural Resources that a recommendation can be made to the Minister on development application determination without awaiting completion of the exhibition and determination of these draft DCP amendments.

### **BACKGROUND TO THE ORIGINAL DEED**

The original Deed was entered into by Council and the proponents of the rezoning of Koala Beach. It included provisions for the dedication of land to Council for open space and koala habitat; land for a school site, a deferred area to be the subject of further investigation; \$500,000 for the off-site road works.

A copy of the original Deed of Agreement is attached as Annexure 2.

### **DRAFT AMENDMENTS TO THE DEED OF AGREEMENT**

The following amendments to the original Deed have been nominated by the developers in a draft Deed of Agreement:

**1. A new clause 4A as follows:**

*“The Council acknowledges that the land referred to in clause 4.5(i) has been dedicated to Council in full satisfaction of the Owner’s obligations under clause 4.5(1)”.*

This refers to the requirement in the original Deed of Agreement that 4ha of land be dedicated to Council for open space. That has been done with the dedication of land indicated by Figure 1.

**2. A new clause 4B as follows:**

*“4B.1 Notwithstanding clause 4.6, the Owner will submit to the Council a combined application to amend the Tweed 2000 LEP and a development application for that part of the deferred areas comprised in Stage 7 for the purposes of a 2 lot subdivision including the erection of a dwelling house and ancillary buildings (on each lot) in the land zoned 1(a) Rural.*

*4B.2 Subject to:*

- (a) the gazettal of the amendment of Tweed 2000 LEP as referred to in clause 4B.1; and*
- (b) the granting of development consent for residential allotments for Stage 5, Stage 6 and Stage 7 on terms and conditions which are reasonable and relevant.*

*The Owner will transfer to the Council, at the owner’s cost, those parts of the Koala Beach Land as generally indicated as the area coloured blue, pink, orange (and green and purple, unless already dedicated) on the plan in Annexure “F”.*

*4B.3 The Council acknowledges that the land to be transferred to the Council under clause 4B.2 will not include a 10 metre (approximately) wide strip between the northern-most boundary of Stage 5 and the southern boundary of Stage 7 which will be used as a driveway access to Stage 7. Such area shall be determined by the*



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*Owner in its discretion but shall be generally in accordance with the location shown on the plan, in Annexure "F"*.

The deferred area was defined in the original Deed of Agreement as indicated by Figure 1. As already noted, the land was deferred from the amending LEP for Koala Beach to allow for further investigations to be undertaken. Those investigations have not been undertaken and the land was zoned Environmental Protection 7(d) in Tweed LEP 2000.

The proponents wish to undertake those investigations with a view to creating two lots. Informal advice has been sought from Council's solicitors who have advised that the clause may have the effect of fettering Council's discretion. Whilst it is similar to other land dedication including a rezoning, those agreements were entered into after the relevant draft Local Environmental Plan had been prepared and exhibited and before Council submitted the draft Local Environmental Plan to the Minister. Therefore, this clause should be removed from the draft Agreement.

The applicants have informed Council that it has been their intention to dedicate some of these areas (namely, the land coloured blue, orange, green and purple on the plan in Annexure 1) with the Stage 5 and 6 Development Application. This intention is not made explicit in the Development Application. Furthermore, it will be the Minister who would impose Conditions, and therefore it would be expected that the Minister would seek Council's specific acceptance of such an intention.

Notwithstanding that, some of this land has already been dedicated to Council as open space and drainage reserves. Furthermore, Council in the past, have sought dedications from the proponents, and therefore such further dedications would not seem to be inappropriate. The outstanding matter is whether any of those areas to be dedicated would impose bushfire management implications for Council. Any land to be dedicated must be embellished to Council's standards and approval prior to dedication; and relevant Management Plans prepared. A fax is expected from PlanningNSW seeking Council's endorsement of this dedication.

If Council is prepared to accept these dedications, the following additional clauses could be inserted into the Agreement:

- "4B.1 The Owner will transfer to the Council, at the owner's cost, prior to the release of the Subdivision Certificate for Stage 5 and/or 6, whichever occurs earlier, those parts of the Koala Beach Land as generally indicated as the area coloured blue, orange (and green and purple, unless already dedicated) on the plan in Annexure "F".*
- 4B.2 The land to be dedicated to Council in accordance with Clause 4B.1 shall be embellished to Council's standards and approval prior to dedication.*
- 4B.3 Prior to the dedication of land coloured blue and orange on the plan in Annexure 1, the owner shall prepare a Management Plan to Council's satisfaction for that land in respect of Bushfire Management, Vegetation Management and Threatened Species.*
- 4B.4 The Council acknowledges that the land to be transferred to the Council under Clause 4B.1 will not include a 10 metre (approximately) wide strip between the northern-most boundary of Stage 5 and the southern boundary of Stage 7 which will be used as a driveway access to Stage 7. Such area shall be*

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*determined by the Owner in its discretion but shall be generally in accordance with the location shown on the plan, in Annexure "F"*.

### 3. Open Space

The advice to the proponents in respect of open space have already been noted. In accordance with that advice a separate Development Application is currently being prepared by the proponents. A copy of the overall layout plan has been lodged with Council and is currently being assessed. The deed has been proposed to be amended to accord with the advice detailed above, as follows:

- "3.1(a) Clauses 4.5(ii) to (vi) inclusive are deleted and replaced with the following:*
- "(ii) From such area dedicated, the Owner is to embellish two hectares of playing fields, allowing between 1000 square metres and 2000 square metres around the perimeter to ensure that the two hectares is fully visible;*
  - (iii) The land shall be filled, drained, top-soiled, grassed and the playing fields shall be provided with an automated water sprinkler system to Council's reasonable requirements and standards;*
  - (iv) The Owner is to provide an amenities block which will be serviced with water, sewer and power to the standards and requirements for design as advised by the Council's Manager Recreation Services. Access to the playing fields is to be via Stage 3 via a rural road cross section;*
  - (v) The Owner is to be responsible at its cost for the design of the playing fields and associated facilities and for the closure of the Crown Road that bisects the site;*
  - (vi) Prior to any work commencing detailed plans must be submitted to the Council and approved by the Council;*
  - (vii) The cost of such embellishment works shall be borne by the Owner;*
  - (viii) In the event that the total scope of works for the provision of the playing fields and associated facilities is not completed by the time the Owner seeks to have Council seal the linen plans for Stage 5 and/or Stage 6, Council will accept a bond for the value of the uncompleted works".*

As Council is now the owner of the land, paragraph 3.1(a)(vii) should refer to the "developer of Stages 5 and 6" and not the "owner".

The original Agreement required the dedication of the active open space prior to the release of the 600<sup>th</sup> residential lot. As the yield has now been reduced below that figure a revised trigger for the dedication of the open space is required. To date 290 lots have been released, with 231 in these remaining stages. To align with the original Agreement the proponents have implied by Clause 3.1(a)(viii) that the open space must be dedicated prior to the release of the Subdivision Certificate for Stage 6.

There should be a clear statement that the plans for the open space and work contained in those plans must be completed prior to the release of the last Subdivision Certificate for Stages 5 and 6.

### 4. A new clause 22 as follows:

*"22.1 The Council and the Owner acknowledge and agree that, except for the Section 94 contribution plan number 4 (Tweed Road Contribution Plan), in respect of the*

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*proposed link road to Sea Breeze Estate, no Section 94 contribution plan applicable to Koala Beach will require amendment to facilitate the approval of the development applications that the Owner proposes to make in respect of Stage 5, Stage 6 and Stage 7.*

22.2 *In respect of the proposed link road to Sea Breeze Estate, prior to the amendment of the Section 94 contribution plan number 4 (Tweed Road Contribution Plan) the Owner will, to secure compliance with its obligations in respect of the proposed link road, provide to the Council, prior to the release of any plan of subdivision for Stage 6, an unconditional bank guarantee for an amount calculated at the rate of \$1,160.00 per lot based on the proposed number of residential allotments the Owner proposes to create from Stage 5, Stage 6 and Stage 7”.*

There is no need to amend the Section 94 Plan No 4 in respect of the proposed link road to accommodate Stages 4 and 5. Therefore a proposed Clause 22.1 should be deleted.

Because of the importance of the link road the preference is to ensure there is full commitment to its construction on the part of Council and the developers. In that regard the following condition has been nominated by the Engineering Services Division:-

*“Construction of the access road between the residential area and the active open space prior to the issue of Subdivision Certificate for Stage 6”.*

The onus on the developers to construct the road to the playing fields is in accordance with the requirements of DCP 21 – Sea Ranch. The amendment to the Deed, whilst ensuring Council has the necessary funding to undertake the project, potentially leaves the onus with Council.

The Agreement should make provisions for bonding of the access road in a similar manner to the open space, should the necessary work on the road not be completed before the release of the Subdivision Certificate for Stage 6. Accordingly, proposed Clause 22.2 should be replaced with the following:

*“Plans for the access road to the active open space must be approved and the work contained in the plans completed prior to the release of the Subdivision Certificate for Stage 6. In the event that those works are not completed by that time Council will accept a bond for the value of the works plus 25%”.*

### **AMENDMENT TO DCP 21 – SEA RANCH**

The Development Application currently with PlanningNSW raises a number of issues in respect of the DCP for Koala Beach. In particular, these are the reduction in development yield, the removal of the High School site; renegotiated active open space position and the link road to Seabreeze.

Other than those issues the current criteria in DCP 21 remain valid for the assessment to be undertaken by PlanningNSW. The Link Road is still to be retained and open space requirement is to be dealt with by an amendment to the Deed of Agreement.

### **CONCLUSION**

A draft of the revised Deed of Agreement is Annexure 1.

The development application for Stages 5 and 6 Koala Beach has been lodged with PlanningNSW in accordance with SEPP71.

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Key issues raised by the development application are essentially the same as key issues requiring a renegotiated Deed of Agreement and draft amendments to DCP 21. The Development Application was exhibited by PlanningNSW.

An important issue is the balance of ensuring proper process and the relationship of the development application to DCP amendments based upon adequate consultation and fair and reasonable timing of determination for the developer.

It is concluded that as there is a high level of commonality of key issues between the development application and the draft amendments to DCP 21. The development application for Stages 5 and 6 was exhibited with responses considered by Council and PlanningNSW and the Link Road remains open for further public consultation and decision-making. It is concluded that Council can be recommended to advise PlanningNSW and the Minister that it has no objection to development application determination prior to the draft DCP amendments being exhibited and determined by Council.

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# Orders of the Day

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## 1. Notice of Rescission - Cr James, Cr Luff and Cr Boyd

**Development Application DA02/1136 for a Mixed Commercial/Tourist Accommodation Development Including 8 Units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff**

**Notice of Rescission; DA02/1136 Pt2; LN: 11044**

That Council resolution at Minute No 494 in relation to Item 1 of the Meeting held 18 June 2003 being:-

*".....that the Development Application DA02/1136 for a mixed commercial/tourist accommodation development including 8 units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff be approved subject to the following conditions: -*

### **GENERAL**

1. *The development shall be completed in accordance with the Statement of Environmental Effects and Drawing No. SK01 Revision A - SK07 Revision A prepared by Pacific Projects Group and dated March 2003 (27/3/2003), except where varied by these conditions.*
2. *The overall height of the building shall not exceed RL 18.4 metres (excluding any lift over run which shall be no greater than 1.5m above this nominated height). On completion of the building documentation from a surveyor shall be provided to ensure compliance with this condition.*
3. *Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.*
4. *In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.*
5. *Advertising structures/signs to be the subject of a separate development application, where statutorily required.*
6. *The proposed future uses must be the subject of a separate approval.*
7. *The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.*
8. *The erection of a building in accordance with a development consent must not be commenced until:*
  - a. *detailed plans and specifications of the building have been endorsed with a construction certificate by:*
    - (i) *the consent authority; or*

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- (ii) *an accredited certifier; and*
- b. *the person having the benefit of the development consent:*
  - (i) *has appointed a Principal Certifying Authority; and*
  - (ii) *has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and*
- c. *the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.*

9. *Works shall comply with the Stormwater Management Plan, Cozens Regan Williams Prove Pty Ltd dated June 2002.*

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

10. *The payment of a contribution of \$92,000 in lieu of the provision of 8 off street car parking spaces. The contribution to be paid in full prior to the issue of a Construction Certificate.*

11. *Section 94 Contributions*

- (i) *Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.*

*Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.*

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

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

- a. *Tweed Road Contribution Plan: \$11,158.00*

*S94 Plan No. 4 (Version 4.0)*

*(Sector 6 - Kingscliff)*

**Heavy Haulage Component**

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

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

*where:*

$$\$Con_{TRCP - Heavy} \text{ heavy haulage contribution}$$

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and:

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

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

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

*Admin.* Administration component - 5% - see Section 6.5

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| b. <i>Open Space (Casual):</i>                         | \$1,321.00 |
| <i>S94 Plan No. 5</i>                                  |            |
| c. <i>Community Facilities (Tweed Coast)</i>           | \$2,952.00 |
| <i>(North Coast)</i>                                   |            |
| <i>S94 Plan No. 15</i>                                 |            |
| d. <i>Emergency Facilities (Surf Lifesaving)</i>       | \$905.00   |
| <i>S94 Plan No. 16</i>                                 |            |
| e. <i>Extensions to Council Administration Offices</i> |            |
| <i>&amp; Technical Support Facilities</i>              |            |
|  | \$1,311.83 |
| <i>S94 Plan No. 18</i>                                 |            |
| f. <i>Cycleways</i>                                    | \$1,278.00 |
| <i>S94 Plan No. 22</i>                                 |            |
| g. <i>Regional Open Space (Casual)</i>                 | \$1,752.00 |
| <i>S94 Plan No. 26</i>                                 |            |

12. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

*Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.*

*Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:*

*Water: 1.292 ETs \$5,168.00*

*Sewer: 1.292 ETs \$4,231.00*

*These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.*

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*Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.*

13. *Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.*

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

14. *Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.*

15. *Permanent Stormwater Quality Treatment*

(a) *Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.*

(b) *Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.*

(c) *The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.*

(d) *Specific requirements:*

(i) *Roof runoff is to be discharged without stormwater quality treatment.*



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- (ii) *The proposed Ecosol RSF100 GPT is not accepted as it does not capture oils. An appropriately sized device must be provided in the Construction Certificate Application.*
- (iii) *Car park, driveway and car washdown areas (assuming impervious) runoff is to be pre-treated to remove oil and sediment prior to entry to the on site storage tank.*
- (iv) *The oil/grit arrestor proposed must also be sized to treat pollutants generated from cars parked in the basement. The installed device must also satisfy the following requirements.*
  - a. *The retained volume of the oil/grit arrestor must be no less than 0.5m<sup>3</sup> per 1000m<sup>2</sup> of the basement/undercover car park area.*
  - b. *The minimum retained volume of an oil/grit arrestor is 0.75m<sup>3</sup>. Reference is made to AS/NZ3500.3.2.1998 National Plumbing and Drainage - Stormwater Drainage - Acceptable Solutions/Section 8/Figure 8.3 for typical oil/grit arrestors.*

16. *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.*

17. *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 design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or aboveground car parking areas. The maximum water depth under design conditions in aboveground vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.*

18. *Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.*

## Orders of the Day

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19. A. *Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:*
- i. *in the case of work to be done by a licensee under that Act:*
    - (i) *has been informed in writing of the licensee's name and contractor licence number; and*
    - (ii) *is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or*
  - ii. *in the case of work to be done by any other person:*
    - (i) *has been informed in writing of the person's name and owner-builder permit number, or*
    - (ii) *has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,*  
*and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.*
- B. *A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.*
20. *Erosion and Sediment Control During the Construction Phase of Development*
- (a) *Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.*
  - (b) *The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.*

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21. *Provide cross sections of the footpath at Marine Parade through to the proposed ground floor area showing RL levels and grades so as to establish that disabled access in accordance with AS1428 can be provided to all areas of the ground floor and that general pedestrian movement along the pavement will be provided to the satisfaction of the Director of Engineering Services. General pedestrian movement requirements should be discussed with Council's Technical Officer of the Works Unit.*

*The RL levels established to satisfy the above requirement should be considered with due regard to the 150 diameter stormwater detention discharge pipes noted in the Stormwater Management Plan.*

22. *Provide an engineers design statement that the proposed excavation and necessary retaining can be achieved without affecting the integrity of the adjoining properties and structures thereon including the public roadway known as Hungerford Lane. The engineer is to advise in the above statement if it will be necessary to enter onto the adjoining land to carry out or do any work and if so consent from the affected landowners will be required for the specific work.*
23. *Provide design concepts of the proposed water meter location, sewer inspection shaft and any likely trade waste arrestor locations and the serviceability of same.*
24. *Provide details to demonstrate that the demolition and construction on the site can be carried out in a manner to minimise nuisance to surrounding properties and that traffic control, pedestrian diversion and construction loading and storage areas are available.*

### **PRIOR TO COMMENCEMENT OF WORK**

25. *Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.*
26. *Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.*
27. *All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.*
28. *The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:*
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and*

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- (ii) *Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and*
  - (iii) *A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-*
    - (A) *the method of protection; and*
    - (B) *the date of installation of the system; and*
    - (C) *where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and*
    - (D) *the need to maintain and inspect the system on a regular basis.*
- Note:** *Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.*
29. *A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-*
- (a) *a standard flushing toilet connected to a public sewer, or*
  - (b) *if that is not practicable, an accredited sewage management facility approved by the council, or*
  - (c) *if that is not practicable, any other sewage management facility approved by the council.*
30. *A sign must be erected on the site in a prominent, visible position stating:*
- a. *that unauthorised entry to the work site is prohibited; and*
  - b. *showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.*
  - c. *Lot number.*
31. *It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:*
- i. *The person must, at the person's own expense:*
    - a. *preserve and protect the building from damage; and*
    - b. *if necessary, underpin and support the building in an approved manner.*
  - ii. *The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.*
32. *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.*

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33. *Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.*

*Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.*

34. *An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.*
35. *Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.*
36. *Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.*
37. *Prior to the commencement of any demolition works the name and contact details of the responsible contractor/person shall be provided to Council in writing.*

### **DURING CONSTRUCTION**

38. *All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).*
39. *Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.*
40. *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.*
41. *A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".*
42. *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.*
43. *Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.*

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44. *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.*
45. *Demolition of building existing on site 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.*
46. *The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:*
  - a. *footings, prior to pouring of concrete*
  - b. *slab, prior to pouring of concrete*
  - c. *frame prior to the erection of brick work or any wall sheeting*
  - d. *final inspection prior to occupation of the building*
  - e. *completion of work*
47. *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.*
48. a. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.*  
b. *All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.*
49. *If the work involved in the erection or demolition of a building:*
  - a. *is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or*
  - b. *building involves the enclosure of a public place,**a hoarding or fence must be erected between the work site and the public place.*  
*If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.*  
*The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.*  
*Any such hoarding, fence or awning is to be removed when the work has been completed.*  
*An application for hoarding together with the prescribed fee is to be submitted to Council for approval prior to work commencing.*
50. *Ensure adequate turfed area, or other suitable material, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.*
51. *Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.*

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52. *If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.*
53. *All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation*
54. *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.*
55. *Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.*
56. *All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.*
57. *All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.*
58. *Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.*
59. *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.*
60. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.*

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61. *Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.*
62. *The burning of builders waste on site by open fire is prohibited.*
63. *The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.*
64. *The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.*
65. *Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.*
66. *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.*
67. *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.*
68. 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.*
69. *An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.*
70. *Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (unless all the premises are occupied by a single household or firm as a residence or place of business) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.*
71. *Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.*
72. *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.*
73. *Yard 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.*



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74. *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<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and*
  - \* 50<sup>0</sup>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.*
75. *In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:*
- i. All required erosion and sedimentation control devices have been installed and are operational.*
  - ii. Required toilet facilities have been provided on the site.*
  - iii. A sign has been erected on the site identifying:*
    - Lot number*
    - Builder*
    - Phone number of builder or person responsible for site.*
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.*
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.*
76. *Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*
77. *The full width concrete Footpaving on Marine Parade is not to be altered to provide ramps into the shops. The shops are to ensure all ramps or steps are contained internally if the floor slab is higher than the footpath level at the sites boundary with Marine Parade.*
78. *All stormwater runoff from the site is to be discharged via a new standard manhole, into the existing pipe drainage network in Marine Parade. No discharge is permitted to Hungerford Lane or adjacent land. The connection to Council's drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.*
79. *The driveway entrance shall be graded to ensure Q100 stormwater runoff from the Hungerford Lane kerb and gutter does not enter the site.*
80. *Provision shall be made for the installation of grease trap(s) to the satisfaction of the Director of Environment and Community Services.*

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81. *Provision shall be made within the building to duct or convey future exhausted cooking gases above the roof level to the satisfaction of the Director of Environment and Community Services. Cooking gas discharges and ducting shall comply with AS1668.*
82. *All waste materials shall be collected, stored and disposed of to the satisfaction of the Director of Environment and Community Services.*
83. *Acid sulfate soils shall not be exposed or disturbed as part of the proposed works.*
84. *The site shall not be dewatered without the prior written consent of Council. Should dewatering be necessary, Council shall be notified in writing prior to such dewatering, and waters shall be monitored and tested as directed by Council, and in accordance with the Water Act, 1912.*
85. *Security fencing and hoardings shall be erected along the Marine Parade frontage to the satisfaction of the Director of Environment and Community Services and the NSW WorkCover Authority.*
86. *The third floor tourist accommodation units are not to increase the area of covered roof decks from that indicated on the approved plans. This condition has been imposed to reduce the bulk and scale of the building when viewed from the foreshore.*
87. *No part of the building other than the pedestrian awning are to protrude beyond the confines of the property boundary*

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

88. *In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.*

### **USE**

89. *The use being restricted to the floor area designated on the approved plan.*
90. *The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.*
91. *No items or goods are to be stored or displayed outside the confines of the premises.*
92. *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.*
93. *The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz – 8KHz inclusive) by more than 5Db(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.*
94. *A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be*

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*maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.*

95. *Footpath dining activities shall not be conducted without the prior written approval of Council.*
96. *Lighting utilised on the site shall not be permitted to detrimentally impact the amenity of any other premises.*
97. *This application has approved 8 tourist accommodation units and 3 retail outlets. Any future change of use shall be subject to separate approval and may attract additional parking requirements and additional Section 94 contributions.*

### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

98. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA02/1136 have been complied with.*
99.
  - i. *The creation of an access easement under Section 88B of the Conveyancing Act creating rights of ingress and egress by way of easement in favour of 30 Marine Parade is owned by the same owner as 32-34 Marine Parade or the owners are related parties. The purpose of the Section 88B instrument allowing ingress and egress is for the purposes of allowing the owner of 30 Marine Parade to utilise as a vehicle access point the entry from Hungerford Lane to 32-34 Marine Parade and to be able to access its own car park through the existing entrance and car park at 32-34 Marine Parade.*
  - ii. *The approved retail/commercial units are not to be used for restaurant or café use without prior development consent.*
100. *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 the construction certificate.*

**be rescinded."**

The above Notice of Rescission is included in the Extraordinary Business Paper at a request from the Mayor for the item to be dealt with at the Extraordinary Meeting of 25 June 2003

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