

ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
ABORIGINAL STATEMENT		5
CONFIRMATION OF MINUTES		5
Minutes of the Ordinary and Confidential Council Meetings held 20 July 2005		5
SCHEDULE OF OUTSTANDING RESOLUTIONS		7
Schedule of Outstanding Resolutions		7
RECOMMENDATIONS OF THE OPERATIONS COMMITTEE		13
Recommendations of the Operations Committee Meeting held 20 July 2005 for Council Adoption		13
RECOMMENDATIONS OF THE PLANNING COMMITTEE		27
Recommendations of the Planning Committee Meeting held on 20 July 2005 for Council Adoption		27
REPORTS THROUGH THE GENERAL MANAGER		85
REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT		85
1	[PD] Development Application DA05/0195 for a Residential Flat Building 6 Storeys Comprising 12 Units and Two Levels of Underground Car Parking at Lot C DP 406494 No. 2 Boundary Lane and Lot 1 DP 350710 No. 4 Boundary Lane, Tweed Heads	87
REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES		109
2	[EC] Proposed Free Use of Kingscliff Amenities Hall	109

CONFIDENTIAL MATTERS	111
REPORTS THROUGH GENERAL MANAGER IN COMMITTEE	111
REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE	111
1 [GC] 2004/2005 Loan Borrowing Program	111
REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE	111
2 [EO] EC2004-066 Tenders for the Supply of Contract Haulage	111
3 [EO] EC2005-114 Supply and Delivery of Readymixed Concrete - Duranbah Reservoir #2	112
REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE	112
4 [EC] Naming of New Clubhouse Facilities - Les Cave Oval, Murwillumbah	112
5 [EC] Caretaking Agreement - Banora Point Multi Purpose Centre	112

ABORIGINAL STATEMENT

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held 20 July 2005

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Ordinary Council Meeting held 20 July 2005 (Attachment DW1236524)
 2. Minutes of the Confidential Council Meeting held 20 July 2005 (**Confidential** Attachment DW 1236523)
-

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

4 August 2004

ITEMS DEFERRED IN COMMITTEE

[ID][DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosed of Ground Floor of Dwelling in a Flood Prone Area

REASON FOR CONFIDENTIALITY:

This report is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 123 RESOLUTION:

That this matter be deferred following the DCP Workshop and after a decision has been made on the DCP.

Current Status: A further DCP Workshop was held in November and a report on Development Control Plan No 5 will be presented to Council upon finalisation of the Flood Study.

6 October 2004

7 [PE] Northern Rivers Farmland Protection Project

Cr R D Brinsmead

Cr J F Murray

RESOLVED that a report be prepared as to how the implementation of the Farmland Protection Project will affect the Tweed Shire.

Current Status: To be considered as part of Council's Planning Review.

16 February 2005

ORDERS OF THE DAY

1 [NOM] Abandoned Shopping Trolleys

**Cr J F Murray
Cr M R Boyd**

RESOLVED that the Tweed Shire Council forwards notices to all shopping centres on the Tweed seeking input on how best to address the abandoned shopping trolley menace throughout the Shire. The maximum response period for submissions will be (6) months from when notices are sent out at which time the Council will debate various options to remedy the situation.

Current Status: Copies of correspondence to operators being provided to Councillors. Further discussions to be held with operators prior to a further report being presented to Council.

4 MAY 2005

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

14 [EC] Banora Point Caravan Park

344 RESOLUTION:

**Cr M R Boyd
Cr L F Beck**

RESOLVED that:-

1. This report be received and noted.
2. The Park Owner/Operator's Application for Approval to Operate be determined under delegated authority in accordance with the Consent Orders.
3. Council staff be required to bring forward regular reports with regard to the implementation of the Consent Orders.

Current Status: Inspection to be undertaken during first week of July 2005.

1 JUNE 2005

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

26 [EO] Letitia Road - Access to Tweed River Sand Bypass System

417 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

That staff organises a round table discussion with interested parties to discuss the stabilisation trial of the unsealed pavement of Letitia Road.

Current Status: Meeting held 29 June 2005, further report to be presented to Council.

6 JULY 2005

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

5 [EO] Section 138 Application - Chinderah Bay Marina

471 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that this item be deferred until such time as the Department of Infrastructure, Planning and Natural Resources provides information as to the nature and current status of the proposal, with a view to making this information public.

Current Status: Advice received from Department of Infrastructure Planning & Natural Resources, matter reported to Operations Committee of 3 August 2005.

ORDERS OF THE DAY

1 [NOM] Tourist Accommodation/Multi Dwelling Housing

473 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that:-

1. Where tourist accommodation is proposed that is capable of being used for permanent residential accommodation, then multi dwelling housing standards and contribution rates shall apply pending formal amendments to relevant Development Control Plans, Section 94 Plans and Section 64 Contributions.
2. A report be prepared that identifies appropriate amendments to relevant Development Control Plans, Section 94 Plans and Section 64 Contributions to enable the standards and contribution rates relevant to multi dwelling housing development to be applied to tourist accommodation that is capable of being used for permanent residential accommodation in urban zones.

Current Status: Report being prepared.

20 JULY 2005

ORDERS OF THE DAY

1 [NOM] Tweed Valley Flood Modelling Project/Zoning of Flood Liable Land

1 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that:

1. In view of the impending completion of the Tweed Valley Flood modelling project which will identify the maximum probable flood levels throughout the Tweed Floodplain, the information it contains be placed on public exhibition and;

2. In recognition of this latest information on extreme flood events that Council staff bring forward a report which would indicate what impact there would be if Council was to prohibit the zoning of any land proposed to be used for urban or other permanent habitable purposes such as caravan parks on any land below the level of a maximum probable flood.

Current Status: Report being prepared.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

RECOMMENDATIONS OF THE OPERATIONS COMMITTEE

Recommendations of the Operations Committee Meeting held 20 July 2005 for Council Adoption

SUMMARY:

The recommendations from the Operations Committee Meeting held 20 July 2005 are reproduced in the body of this report for formal adoption by Council.

RECOMMENDATION:

That Council adopts the recommendations of the Operations Committee Meeting held on 20 July 2005 as reproduced in the body of this report.

REPORT:

4 [GC] Request for Financial Assistance - Festivals Policy 2005 - Kingscliff Art Food & All That Jazz Festival

O20 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council donates \$3,000 towards the Kingscliff Art, Food & All That Jazz Festival, with the application being reconsidered with other first round applications at the Operations Committee meeting on 17 August 2005.

FOR VOTE - Unanimous

1 [GC] Quarterly Budget Review - 30 June 2005

O21 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. The Quarterly Budget Review Statement as at 30 June 2005 be adopted.
2. The expenditure and income, as detailed within the body of the report, be voted and adjusted in accordance with the revised total expenditure and income for the year.

FOR VOTE - Unanimous

2 [GC] 2005/2006 Budget - Voting of Expenditure

O22 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council approves and votes \$162,936,339 expenditure for the 2005/2006 Budget.

FOR VOTE - Unanimous

3 [GC] 2005/2006 Village Development Strategy

O23 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. A revised Village Development Strategy is developed based on a seven-year plan.
2. The revised plan then be explored with the Shire's communities.

FOR VOTE - Unanimous

4. [GC] Request for Financial Assistance - Festivals Policy 2005 - Kingscliff Art Food and All That Jazz

This item was dealt with earlier in the meeting at Minute No. 020.

5 [GC] 2003/2004 Comparative Information on NSW Councils provided by the Department of Local Government

O24 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

6 [GC] Corporate Quarterly Report - April to June 2005

O25 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

7 [GC] Monthly Investment Report for Period Ending 30 June 2005

O26 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

8 [EO] Tweed Shire Storm Event 30 June 2005

O27 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. The Department of Environment and Conservation be requested to investigate the impact of their management policies on the outlet capacity of Cudgen Lake and Cudgen Creek and any resulting impact on flood levels on 30 June 2005.
2. Modelling of the Western Drainage Scheme be reviewed taking into account the rainfall intensities of 30 June 2005 and the option of changing the height of the Vintage Lakes weir.
3. Design rainfall intensities for Tweed Shire be reviewed.
4. Flood damage claims be lodged for flood/storm damaged Council infrastructure.
5. This report be placed on Council's webpage and the public be advised of that through the Tweed Link.

FOR VOTE - Unanimous

9 [EO] Licence for Commercial Operators to Use Public Wharves

O28 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council develop a policy and licence agreement for annual fees and charges relating to the use of public jetties and wharves by commercial vessel operators.

FOR VOTE - Unanimous

10 [EO] Tumbulgum Foreshore Plan

O29 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:

1. Adopts the Master Plan as exhibited for the Tumbulgum Foreshore.
2. Proceeds to detailed design and construction of the various elements of the Master Plan in the time frames as displayed with the Master Plan.

FOR VOTE - Unanimous

11 [EO] Condong Boating Facility, Provision of Floating Pontoon

O30 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council applies for a Maritime Infrastructure Program grant through NSW Maritime Authority for 50% of the cost of installation of a floating pontoon for Condong Boat Ramp for public use and to compliment the marine industry boat launch pad.

FOR VOTE - Unanimous

12 [EO] Koala Beach Reservoir Site - Reclassification of Land

O31 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. Pursuant to Section 54 of 'The Environmental Planning and Assessment Act 1979', Council prepares a draft Local Environmental Plan (LEP) to reclassify part of proposed Lot 1 (which is to be created from the boundary realignment of Lots 954 and 956 on DP 864092 Parish Cudgen County of

Rous), from community land to operational land with this reclassification to be conditional on development approval for the proposed reservoir;

2. Council advise the Department of Infrastructure Planning and Natural Resources that an environmental study is not required;
3. Council engages planning consultants to prepare an LEP amendment and reclassification of the site with funding being obtained from existing funding for the Koala Beach Reservoir.
4. The reclassification of the site be pursued concurrently with the development application for the access road and reservoir construction;
5. Council acquire Lot 1 by compulsory acquisition under the Land Acquisition (Just Terms) Compensation Act, 1991 for the purposes of the Local Government Act 1993.
6. Signals its intent to recover \$300,000 from the Water Fund for compensatory community and/or environmental works as approved by Council, should the project proceed.
7. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

13 [EO] Application to Close & Purchase A Section of Road Reserve - Wooyung

O32 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. Council does not approve the closure of the section of Road reserve at Mooball, which runs from Kellehers Road through to Warwick Park Road and across to Mooball Creek.
2. An application be made to Department of Lands to transfer the section of Crown Road that runs from Kellehers Road through to Warwick Park Road.
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

14 [EO] Closure of Crown Public Road - Rowlands Creek

O33 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council advises the Department of Lands that it does not object to the closure and purchase of that part of the Crown Public Road located between Lot 2 in DP 815475 and Lot 1 in DP 597042 at Rowlands Creek.

FOR VOTE - Unanimous

15 [EO] Compulsory Acquisition of Easement for Drainage of Sewage 1 metre wide from the Crown - within Lot 721 in DP 821914 within Crown Reserve 82527

O34 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. Council approves the compulsory acquisition of an Easement for Drainage of Sewage 1 metre wide within Lot 721 in DP 821914 under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Local Government Act, 1993;
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

16 [EO] Dedication of Land as Road - Lot 1 in DP 1074009 & Lot 1 DP 1074359 - Piggabeen Road, Piggabeen

O35 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:

1. Council approves the dedication of Lot 1 in DP 1074009 and Lot 1 in DP 1074359 as Public Road pursuant to Section 10 of the Roads Act, 1993.
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

17 [EC] Vacant Board Position - Tweed River Art Gallery Foundation

O36 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:

1. Council defers this item, subject to advice from the Tweed River Art Gallery Foundation.
2. Subject to an invitation, appoints Administrator Turnbull to be Council's representative on the Board of the Tweed River Art Gallery Foundation.

FOR VOTE - Unanimous

18 [EC] Processing of Recyclables - Tweed Shire

O37 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:

1. Grants Solo Resource Recovery consent to transport recyclable material to the Visy Materials Recovery Facility at Gibson Island, Brisbane for processing.
2. Requires Solo Waste to ensure that the Materials Recovery Facility is fully operational when handed over to Council at the end of the contract or at an earlier time if mutually agreeable.

FOR VOTE - Unanimous

19 [EC] Festival Australia Funding

O38 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council votes the expenditure of \$15,120 towards the cost of "Lights on the Harbour" as part of the 2005 Tweed River Festival.

FOR VOTE - Unanimous

20 [EC] Request for "In Kind" Support/Waive Fee

O39 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. Approves the request for no fee use of the Council facilities by Wollumbin High School, Returned and Services League of Australia and Friends of the Tweed Heads Library.
2. Does not approve the request of the Rotary Club of Coolangatta-Tweed Heads for a refund of the hiring fees of the Tweed Heads Civic Centre Auditorium.

FOR VOTE - Unanimous

1 [SUB-TRC] Minutes of the Tweed River Committee Meeting held on Wednesday 8 June 2005

O40 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the Minutes of the Tweed River Committee be endorsed with the exception of those items, which were considered individually hereunder.

FOR VOTE - Unanimous

[SUB-TRC] 1. DIPNR - Tweed River Committee Funding

O41 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council retains the allocation of \$250,000 to the Tweed River Management Program Projects in 2004/2005 regardless of the matching \$500,000 from State Government not being forthcoming.

FOR VOTE - Unanimous

[SUB-TRC] 1. DIPNR - Tweed River Committee Funding

O42 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council adopts the revised Tweed River Committee Budget 2004/2005 and submit a funding application for 2005/2006 to the Minister for Infrastructure and Planning, Minister for Natural Resources.

FOR VOTE - Unanimous

[SUB-TRC] 2. Acid Sulphate Soil Management Program

O43 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council considers an allocation of funds to continue employment of the Floodplain Project Officer at the September Quarterly Budget Review.

FOR VOTE - Unanimous

[SUB-TRC] 3. Oxley Cove Peninsular Plan of Management

O44 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council notes the Tweed River Committee's great concern at the erosion from the recent subdivision on Old Ferry Road, Banora Point and suggests that Council seeks a report from appropriate officers.

FOR VOTE - Unanimous

[SUB-TRC] 1. Tweed Vegetation Management Plan 2004

O45 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council be aware that the Vegetation Management Plan (not yet adopted) will require the appointment of a suitably qualified officer to oversee the development of a strategy to implement the Vegetation Management Plan.

FOR VOTE - Unanimous

2 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held 8 June 2005

O46 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the Minutes of the Tweed Coastal Committee be endorsed with the exception of those items, which were considered individually hereunder.

FOR VOTE - Unanimous

[SUB-TCC] 4. Proposed Program 2005/2006

O47 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council retains the allocation of \$40,000 to Tweed Coast Estuaries Management Program Projects in 2004/05 regardless that the matching \$40,000 from State Government is not forthcoming and a letter be sent to the Minister Infrastructure and Planning, Minister for Natural Resources expressing our disappointment and requesting funds for 2005/2006.

FOR VOTE - Unanimous

[SUB-TCC] 1. Cudgen Creek Pedestrian Bridge

O48 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council considers bringing forward the construction of a pedestrian and cycleway link across Cudgen Creek with the provision of either a permanent or temporary structure. Also that consideration be given to the incorporation of a cycleway into a new vehicular bridge.

FOR VOTE - Unanimous

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

RECOMMENDATIONS OF THE PLANNING COMMITTEE

Recommendations of the Planning Committee Meeting held on 20 July 2005 for Council Adoption

SUMMARY:

The Committee Recommendations from the Planning Committee Meeting held 20 July 2005 are reproduced in the body of this report for formal adoption by Council.

RECOMMENDATION:

That Council adopts the recommendations of the Planning Committee Meeting held on 20 July 2005 as reproduced in the body of this report with the exception of:

Item 1 -[PD] Development Application DA05/0195 for a Residential Flat Building 6 Storeys Comprising of 12 Units and Two Levels of Underground Car Parking at Lot C DP 406494 No. 2 Boundary Lane and Lot 1 DP 350710, No. 4 Boundary Lane, Tweed Heads

(This item is the subject of a further report to this Council Meeting.)

REPORT:

2 [PD] Development Application DA05/0228 for a Surf Life Saving Club at Lot 921 DP 1076062, Bells Boulevard, Kingscliff

The following persons addressed the meeting of the Planning Committee on this matter.

Mr Wood

P 28 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA05/0228 for a surf life saving club at Lot 921 DP 1076062, Bells Boulevard Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos A-WD-1-101, A-WD-2-301, A-WD-3-301 prepared by Raunik Design Group and dated June 05 and the Landscape Plan dated 28/06/05 prepared by EDAW Gillespies, except where varied by these conditions. [GEN0010]
2. 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. [GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor 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.

[GEN0150]

- 5. All works are to be confined to the subject site. Any works required on the adjoining reserve is to be subject to a separate development application.

[GENNS01]

- 6. The adjoining reserve is not to be used for storage of equipment or materials.

- 7. This consent is valid until 3 January 2015.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 8. 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: \$18,416
S94 Plan No. 4 (Version 4.0)
Sector7a_4
- b. Extensions to Council Administration Offices & Technical Support Facilities \$69
S94 Plan No. 18

[PCC0050/PSC0005]

9. 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 DSP6:	2.4 ET @ \$4230	\$10,152
South Kingscliff Water Levy:	2.4 ET @ 215	\$516
Sewer Kingscliff:	3.6 ET @ \$4060.32	\$14,617

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.

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.

[PCC0070/PSC0004]

10. A construction management plan is to be submitted to Council for approval prior to issue of the construction certificate. The plan is to include a management programme for the adjoining reserve regarding safety and reinstatement of disturbed areas following construction.
11. Development Application DA04/0868 is to be withdrawn prior to issue of the construction certificate.

PRIOR TO COMMENCEMENT OF WORK

12. 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 recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

13. 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
 - (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.

[PCW0050]

14. 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.

[PCW0070]

15. 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.

[PCW0090]

16. 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.

[PCW0210]

17. 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.

[PCW0190]

18. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.

[PCWNS01]

DURING CONSTRUCTION

19. 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.

[DUR0160]

20. 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.

[DUR0170]

21. 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.

[DUR0200]

22. 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.

[DUR0220]

23. 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.

[DUR0260]

24. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.

[DUR0320]

25. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR0330]

26. 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.

[DUR0850]

27. 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.

[DUR0870]

28. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[DUR0880]

29. 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. [DUR0900]
30. 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. [DUR0910]
31. The burning of builders waste on site by open fire is prohibited. [DUR0940]
32. 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. [DUR0980]
33. 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. [DUR1020]
34. 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. [DUR1030]

35. 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. [DUR1070]
36. 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. [DUR1110]
37. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR1130]
38. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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. [DUR1160]
39. 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. [DUR1200]

40. 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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
[DUR1210]
41. All landscaping is to comply with the 88B Instrument pertaining to the site.
[DUR1240]
42. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.
[DUR1380]
43. 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).
[DUR0010]
44. 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.
[DUR0040]
45. 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.
[DUR0080]
46. 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.
[DUR0130]
47. All waste water from the food preparation shall be directed to the existing trade waste separator.
[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

48. 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 and conditions of Consent. [POC0020]
49. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0030]
50. 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. [POC0170]

USE

51. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [USE0150]
52. 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. [USE0160]
53. Lighting or noise shall not be permitted to impact the amenity of any premise. [USENS01]
54. The club members food preparation area shall be maintained in a clean and healthy state. [USENS02]
55. Food preparation shall be for members only and food shall not be sold to the public. [USENS03]

FOR VOTE - Unanimous

1 [PD] Development Application DA05/0195 for a Residential Flat Building 6 Storeys Comprising of 12 Units and Two Levels of Underground Car Parking at Lot C DP 406494 No. 2 Boundary Lane and Lot 1 DP 350710, No. 4 Boundary Lane, Tweed Heads

The following persons addressed the meeting of the Planning Committee on this matter.

Ms C Raven
Mr M Hoy

Administrator Turnbull foreshadowed that the Director Planning & Development provides draft conditions to the next Council meeting addressing the following concerns:-

- a) Traffic management/calming, a "road capacity study" of Boundary Lane, Tweed Heads addressing vehicle movements and pedestrian movement capacity,
- b)
 - i) Privacy and landscaping plan requirements in relation to adjoining properties
 - ii) Better articulation of the south-eastern façade,
 - iii) A Site Manager being available during construction as a point of contact for access, traffic issues and to oversee that the amount of construction unloading/loading that can be undertaken on site be carried out on site.
 - iv) Consideration be given to conditions in the development consent to minimise the impact of increased number of garbage bins.
 - v) Panel of finishes and materials to be used on the exterior are to be provided.

P 29 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that this item be reported to the next Council meeting for approval with additional draft conditions addressing the concerns and issues raised in (a) and (b) above being:

- a) Traffic management/calming, a "road capacity study" of Boundary Lane, Tweed Heads addressing vehicle movements and pedestrian movement capacity,
- b)
 - i) Privacy and landscaping plan requirements in relation to adjoining properties
 - ii) Better articulation of the south-eastern façade,
 - iii) A Site Manager being available during construction as a point of contact for access, traffic issues and to oversee that the amount of construction unloading/loading that can be undertaken on site be carried out on site.
 - iv) Consideration be given to conditions in the development consent to minimise the impact of increased number of garbage bins.

- v) Panel of finishes and materials to be used on the exterior are to be provided.

As well as recommended consent on the following conditions:

CONDITIONS

1. Council utilises its assumed concurrence in relation to the North Coast Regional Environmental Plan Clause 51 - Tall Buildings.
2. Council generally supports the application and refers it to the Director Planning & Development to negotiate a contribution of \$2,000 per unit under a voluntary agreement for public infrastructure identified in the Tweed Heads Master Plan.
3. The approval be issued by the Director Planning & Development under delegation in accordance with the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos A01 - A07 prepared by Sean Gartner Architects and dated February 2005, except where varied by these conditions. [GEN0010]
2. No part of the proposed development shall exceed RL 49.8m AHD. [GEN0010]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:

- (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor 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.

[GEN0150]

5. Any use of a crane or other equipment that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain the approval of the Secretary, Department of Transport and Regional Services. An application for the Secretary's approval must be given to the airport lessee company (ie Gold Coast Airport Limited) at least 28 days before the intended commencement of the controlled activity.

[GENNS01]

6. 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.

[GEN0030]

7. The enclosed portion of the building is to stand a minimum of 6 metres from the front boundary of the property.

[GEN0080]

8. The boundary fence to Boundary Lane is to be no greater than 1.6 metres in height and is to step down the site accordingly.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. 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: S94 Plan No. 4 (Version 4.0) Sector1_4	\$6,697
b.	Open Space (Structured): S94 Plan No. 5	\$4,560
c.	Open Space (Casual): S94 Plan No. 5	\$974
d.	Shirewide Library Facilities: S94 Plan No. 11	\$4,024
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$818
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$1,262
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,449.25
h.	Cycleways S94 Plan No. 22	\$940
i.	Regional Open Space (Structured) S94 Plan No. 26	\$6,875
j.	Regional Open Space (Casual) S94 Plan No. 26	\$1,286

[PCC0050/PSC0005]

10. 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 DSP4:	5.5 ET @ \$4230	\$23,265
Sewer Banora:	9.25 ET @ \$2634	\$24,365

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.

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.

[PCC0070/PSC0004]

11. 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.

[PCC0130]

12. 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) Runoff from driveway and basement car park areas must be treated to remove oil and sediment pollutants prior to discharge to the public realm. Permanent treatment devices must be sized in accordance with Section D7.12 of Council's Development Design Specification D7 - Stormwater Quality. Full engineering details of all treatment devices, including maintenance schedules, must be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate.

 - (ii) Dedicated car wash bays must be bunded to prevent contamination of basement stormwater. All collected carwash runoff must be treated to remove oil and sediment pollutants prior to discharge to sewer, requiring a Tweed Shire Council Trade Waste Application.

[PCC0230]

13. 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*. [PCC0320]
14. The legal point of discharge for the subject development is via discharge into the public drainage system in Boundary Lane. [PCCNS01]
15. Construction Certificate drawings shall make provisions for the regrading of the subject site in accordance with Council's Development Control Plan 47 "Cut and Fill on residential Land " or to the satisfaction of the Director Engineering and Operations Division. [PCCNS01]
16. All retaining walls in excess of 1.2m are to be designed by a suitably qualified geotechnical / structural engineer in accordance with AS4678 - 2002 - Earth Retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the Construction Certificate drawings. [PCCNS01]
17. Prior to the issuing of a Construction Certificate, a full geotechnical assessment of the site is to be carried out and a report submitted to Council for approval. The report must include recommendations relating to site stability, proposed on-site excavation works including temporary and permanent retention methods proposed for the protection of adjacent structures, foundation design parameters, construction theories, as well as any other geotechnical matters of relevance relating to the proposed development. The report should detail any precautions considered necessary to protect such properties from damage in accordance with Tweed Shire Council's Building Excavation Dewatering Policy.

Ground anchors to retain sacrificial sheet piling (as required) will not be allowed within Council property without prior approval for installation by the Director Engineering and Operations Division and removal on completion or substantial financial compensation. Council will only allow ground anchors with neighbouring private property if consent by the owners of the property to be burdened is obtained prior to installation.

[PCCNS01]

18. Prior to Issue of Construction Certificate the applicant shall submit to Council documentation demonstrating General Public Liability Insurance to the value of \$5,000,000 which includes loss of support to neighbouring properties which is attributed to excavation vibration associated with the project in accordance with Tweed Shire Council's Building Excavation Dewatering Policy.

[PCCNS04]

19. An on site detention (OSD) system shall be installed in general accordance with stormwater management details provided by Northern Beaches Consulting Engineers (dated 21 February 2005, ref 041219), to limit peak stormwater discharge from the site to the public realm to 200L/s/ha in events of intensity up to the ARI 100 year design storm. These works and the connection to Council's drainage system shall be constructed in accordance with detailed design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director Engineering & Operations. Invert levels of all devices shall be reviewed to ensure efficient conveyance of stormwater to the Boundary Lane kerb and gutter.

[PCCNS01]

20. 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 within the public road including the construction of new driveway access, footpath or kerb and gutter construction. 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.

[PCCNS01]

21. Appropriate arrangements to the satisfaction of Council's DECS shall be provided for the storage and removal of garbage and other waste products.

[PCCNS02]

22. Prior to the installation of any air conditioning systems, details of the units and locations proposed shall be supplied to Council's Environment and Health Unit for review and approval.

[PCCNS03]

23. A detailed plan of landscaping is to be submitted and approved by Council's Director, Planning and Development prior to the issue of a Construction Certificate. All landscaping work is to be completed in

accordance with the approved plans prior to any use or occupation of the building.

[PCC0010]

24. 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.

[PCC0240]

25. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

[PCC0040]

PRIOR TO COMMENCEMENT OF WORK

26. 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 recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

27. 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.

[PCW0060]

28. 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.

[PCW0070]

29. 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.

[PCW0080]

30. 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.

[PCW0090]

31. 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.

[PCW0210]

32. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW0230]

33. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

[PCW0280]

34. Prior to commencement of any demolition works, drainage is to be disconnected from Council's Sewerage reticulation at the building's connection point. This work is to be carried out by Council staff at developers cost as per Council's current Fees and Charges.

[PCW0300]

35. Prior to the commencement of any demolition works on the site a development application for demolition is to be submitted to and approved of by Council.

[PCWNS01]

36. 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.

[PCW0190]

DURING CONSTRUCTION

37. 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).

[DUR0010]

38. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
[DUR0070]
39. 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.
[DUR0080]
40. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
[DUR0090]
41. 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.
[DUR0100]
42. 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.
[DUR0130]
43. 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.
[DUR0160]
44. 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.
[DUR0170]
45. 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.
[DUR0200]
46. 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.

[DUR0210]

47. 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.

[DUR0220]

48. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

49. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0560]

50. 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.

[DUR0850]

51. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0860]

52. 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.
[DUR0870]
53. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
†[DUR0880]
54. 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.
[DUR0900]
55. 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.
[DUR0910]
56. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0920]
57. 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, Engineering & Operations.
[DUR0930]
58. The burning of builders waste on site by open fire is prohibited.
[DUR0940]
59. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
[DUR0970]

60. 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.
- [DUR1020]
61. 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.
- [DUR1030]
62. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR1040]
63. 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.
- [DUR1070]
64. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR1090]
65. 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.
- [DUR1110]
66. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR1130]
67. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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.

[DUR1160]

68. 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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

69. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DURNS01]

70. A concrete ribbon footpath 100 millimetres thick for the full width of the nature strip between the back of kerb and the property boundary along the frontage of the site to Boundary Lane is to be constructed on a compacted base. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres. The footpath is to have a 2.5% crossfall. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. No steps or ramps will be permitted within the nature strip and the associated entrances to the proposed development must be designed accordingly. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and be maintained unvaried across the proposed driveway and pedestrian entrances. An inspection of the formwork is to be arranged with Council's Engineering & Operations Division prior to concrete being placed.

[DURNS01]

71. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering & Operations. Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DURNS01]

72. Adequate site distances satisfying the provisions of Council's "Driveway Access To Property" pamphlet must be provided at the site's vehicular access.

[DURNS01]

73. All imported fill material shall be from an approved source. Prior to commencement of filling operations, details of the source of fill shall be submitted to the satisfaction of the DECS. Documentary evidence must be provided that the fill material is free of any contaminants.
[DURNS02]
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 within one hour of occurrence.
[DURNS03]
75. All works (including support structures for excavation such as sheet piling) are to occur within the confines of the subject property boundaries.
[DURNS04]
76. The building is to be constructed of non reflective materials with a complementary colour scheme.
[DURNS05]
77. No soil, sand, gravel, clay or other material shall be disposed of off the site.
[DUR0030]
78. 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.
[DUR0040]
79. The provision of 31 off street car parking spaces, five to be nominated as visitor car parking and one to be a nominated car wash bay. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
[DUR0050]
80. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
[DUR0060]
81. 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.

[DUR0730]

82. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Planning and Development.

[DUR1230]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

83. 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 and conditions of Consent.

[POC0020]

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

[POC0030]

85. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

86. 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.

[POC0170]

87. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

USE

88. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and

chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

[USE0180]

89. All mechanical ventilation, pool pumps, other plant and associated equipment shall be acoustically treated where required to the satisfaction of Council's DECS so as to avoid the creation of intrusive or unreasonable noise to any occupant of a neighbouring or adjacent residential premises.

[USENS01]

90. All externally mounted artificial lighting is to be shielded to the satisfaction of Council's DECS where necessary or required so as to prevent the spill of light creating a nuisance to adjoining residential premises.

[USENS02]

91. 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.

[USE0040]

92. All trade materials, product and plant to be kept within confines of the building at all times.

[USE0120]

93. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with.

[USE0140]

94. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE0260]

FOR VOTE - Unanimous

NOTE: This item is the subject of a further report to this Council Meeting.

2 [PD] Development Application DA05/0228 for a Surf Life Saving Club at Lot 921 DP 1076062, Bells Boulevard, Kingscliff

This item was dealt with earlier in the meeting at Minute No P 28.

3 [PD] Draft Local Environmental Plan Amendment No. 63 and Development Application DA04/0814 for a Two (2) Lot Subdivision and Dwelling at Lot 346 DP 755701, Coronation Avenue, Pottsville

P 30 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council: -

1. Forwards a copy of draft Tweed Local Environmental Plan 2000 (Amendment No.63) to the Minister for gazettal.
2. Upon gazettal of draft Amendment No.63 to the Tweed Local Environmental Plan 2000, Council assume the concurrence of the Director of the Department of Infrastructure, Planning and Natural Resources for the variation of the 30 metre setback contained in clause 24 of the Tweed LEP 2000 and development application DA04/0814 for a two lot subdivision and dwelling house at Lot 346 DP 755701 Coronation Avenue, Pottsville be approved subject to the following: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No 2113-2 dated 14 April 2004 prepared by Chapman Surveys and Plan No. 280 Amendment 1 Sheets 1 to 6 dated 10 February 2001 prepared by Parameter Designs, except where varied by these conditions.

[GEN0010]
2. 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.

[GEN0030]
3. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.

[GEN0040]
4. No retaining walls or similar structures are to be constructed over Council's sewer main.

[GEN0090]
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
6. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications.
The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[GEN0140]

7. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor 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.

[GEN0150]

8. The proponent may not:

- a) encroach upon the Crown land,
- b) remove any vegetation from the Crown land,
- c) use the Crown land as access to the property,
- d) stockpile materials, equipment or machinery on the Crown land,
- e) direct stormwater dischargers,
- f) use the Crown land for bushfire hazard reduction works

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

[PCC0040]

10. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees

and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.

- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
- v) The landscaping shall be completed to the satisfaction of the Director Planning and Development PRIOR to the issue of a Subdivision Certificate.

[PCC0330]

11. The habitable areas of all residential buildings are to be at a level not less than Council's adopted minimum level of 3.1 AHD
12. Prior to release of a construction certificate for subdivision works or building works a weed control strategy for proposed Lot 2 is to be submitted to Council for approval by the General Manager or his delegate. In this regard the works required are to be funded by the owner and carried out by Council.

The Strategy is to include the following: -

- Identification of both environmental and noxious weeds.
- A strategy for control of weeds including the prioritising the location and nature of weed control actions.
- Identification of required follow up maintenance work for a minimum of 1 year.
- A costing for the initial and follow up works.

13. An amended site plan is to be submitted to Council for approval prior to the issue of the construction certificate demonstrating compliance with the NSW Rural Fire Service conditions regarding asset protection zones. In this regard the 20m asset protection zone is to be measured from the southern boundary of the drainage reserve.

[PCCNS01]

14. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director Planning and Development.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

[PCC0080]

15. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on

adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be obtained wholly within the subject land.

[PCC0090]

16. The site is to be filled to a minimum of RL 2.8m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director, Engineering & Operations prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

[PCC0100]

17. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

- i. Construction along the full length of the proposed subdivision vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems widening of the road pavement from the lip of the new kerb and gutter to the edge of the existing bitumen pavement including tapers.
- ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.

[PCC0180]

18. 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.

[PCC0190]

19. 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*.

[PCC0230]

20. 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.

[PCC0240]

21. 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*.

[PCC0320]

PRIOR TO COMMENCEMENT OF WORK

22. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (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 subdivision work.

[PCW0020]

23. 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 Planning and Development. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

24. 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.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

25. 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
- (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.

[PCW0050]

26. 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.
- [PCW0060]
27. 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.
- [PCW0070]
28. 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.
- [PCW0090]
29. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Planning and Development.
- [PCW0140]
30. 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.

[PCW0190]

31. 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.

[PCW0210]

32. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCW0250]

33. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering & Operations Division prior to taking water.

All drawn water shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[PCW0260]

34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

[PCW0280]

35. Residential building work:

- (1) 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 (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

DURING CONSTRUCTION

36. 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).

[DUR0010]

37. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.

[DUR0020]

38. No soil, sand, gravel, clay or other material shall be disposed of off the site.

[DUR0030]

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 1742.3-2202 (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. [DUR0040]
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. [DUR0080]
41. 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. [DUR0130]
42. 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. [DUR0150]
43. 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. [DUR0170]
44. 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. [DUR0200]
45. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation
 - (iv) Compliance Certificate - Drainage

- Note:1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement
- h. Final inspections - on maintenance
- i. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR0360]

46. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
- b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
- c. That the pavement layers have been compacted to RTA specifications.
- d. That site fill areas have been compacted to the specified standard.
- e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR0370]

47. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.

[DUR0400]

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

[DUR0430]

49. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.

[DUR0460]

50. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0550]

51. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0560]

52. The land to be filled to the design flood level of RL 2.8m AHD.

[DUR0610]

53. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.

[DUR0630]

54. Building materials used below Council's minimum floor level of RL2.8m AHD must not be susceptible to water damage.

[DUR0690]

55. 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.

[DUR0730]

56. 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.

[DUR0850]

57. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0860]

58. 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.

[DUR0870]

59. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[DUR0880]

60. 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.

[DUR0900]

61. 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.
- [DUR0910]
62. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
- [DUR0920]
63. The burning of builders waste on site by open fire is prohibited.
- [DUR0940]
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.
- [DUR0960]
65. 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.
- [DUR0980]
66. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.
- [DUR1000]
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 and prior to occupation of the building.
- [DUR1020]

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.
[DUR1030]
69. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
[DUR1050]
70. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR1090]
71. 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.
[DUR1110]
72. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
[DUR1130]
73. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR1150]
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^oC for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50^oC 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.
[DUR1160]

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.

[DUR1200]

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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

77. The habitable floor area of the building is to be at a level not less than RL 3.1 m AHD.

[DUR1440]

78. A survey certificate signed by a registered surveyor is to be submitted to the PCA at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 3.1m AHD.

[DUR1460]

79. Excavation and treatment of soils, particularly those excavated greater than 1 metre below the existing ground level shall comply with the Acid Sulfate Soils Assessment Border Tech, February 2004.

[DURNS01]

80. All fill material shall be from a Council approved source and be free from contaminants or acid sulfate soils.

[DURNS02]

81. The site shall not be dewatered.

[DURNS03]

82. Vegetation within the proposed lot 2 shall not be removed, lopped or damaged.

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

83. 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 and conditions of Consent.

[POC0020]

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

[POC0030]

85. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.

[POC0040]

86. 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.

[POC0170]

87. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0180]

88. The proposed two (2) lot subdivision is to be registered with the Land and Property Information prior to issue of the occupation certificate for the proposed dwelling.

[POCNS01]

USE

89. The building is to be used for single dwelling purposes only.

[USE0110]

90. 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.

[USE0160]

91. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0170]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

92. 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 Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate or Construction Certificate for the dwelling (whichever occurs first) 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:	1.2 ET @ \$4230	\$5,076
Sewer:	1 ET @ \$2634	\$2,634
Pottsville Levy:	1.2 ET @ \$1416	\$1,699

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.

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.

[PCC0070/PSC0004]

93. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate or Construction Certificate for the dwelling (whichever occurs first) 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: \$3,370
 S94 Plan No. 4 (Version 4.0)
 Sector8a_4

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:-

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

where:

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

and:

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

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

	\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)	
	Admin.	Administration component - 5% - see Section 6.5	
b.	Open Space (Structured): S94 Plan No. 5		\$780
c.	Open Space (Casual): S94 Plan No. 5		\$167
d.	Shirewide Library Facilities: S94 Plan No. 11		\$688
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13		\$126
f.	Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15		\$584
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16		\$215
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18		\$344.81
i.	Cycleways: S94 Plan No. 22		\$160.00
j.	Regional Open Space (Structured) S94 Plan No. 26		\$1,177
k.	Regional Open Space (Casual) S94 Plan No. 26		\$221

[PCC0050/PSC0005]

94. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA04/0814 have been complied with.

[PSC0010]

95. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

- i. Easements for sewer, water supply and drainage over ALL services on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0020]

- 96. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for verbal approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

[PSC0030]

- 97. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.

[PSC0040]

- 98. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Councils Surveyor within two months of the issue of the Subdivision Certificate.

[PSC0060]

- 99. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director Planning & Development PRIOR to the issue of a Subdivision Certificate. 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.

[PSC0070]

- 100. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

- (i) The following information must accompany an application:

- original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for ALL works
- (ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0090]

101. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

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

[PSC0100]

102. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

[PSC0110]

103. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0150]

104. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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.

[PSC0160]

105. The production of written evidence from Country Energy certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.

[PSC0180]

106. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording to the satisfaction of the Director Planning and Development.

[PSC0220]

107. Payment to Council of the agreed amount for weed control works as required by Condition 12 prior to the release of the subdivision certificate.

108. Proposed Lot 2 is to be dedicated to Council at no cost.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. The proposed dwelling shall be located within the lot so that an Asset Protection Zone in the shape of an Inner Protection Area as defined by section 4.4.2 (b) within 'Planning for Bushfire Protection 2001' can be adopted to an area defined by:
An area 40 metres to the south and south-west adjacent and parallel to the southern boundary and measured from the external wall of the proposed dwelling. An area 20 metres to the northwest and parallel to the open drainage reserve measured from the external wall of the proposed dwelling.
The remainder of the APZ will be formed by the existing northern boundary on Coronation Avenue and the boundary adjoining existing residential development to the east.
2. The proposed dwelling shall be constructed to comply with level 3 requirements of Australian Standard AS3959.

FOR VOTE - Unanimous

4 [PD] Draft Tweed Local Environmental Plan 2000, Amendment No 9 - Wardrop Valley Industrial Area, Murwillumbah

P 31 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that Council:

1. Requests the Department of Infrastructure, Planning and Natural Resources resolve the outstanding requirement of an archaeological assessment required by the Department of Environment and Conservation.
2. Requests that the Director General for Department of Infrastructure, Planning and Natural Resources prepare a report for the Minister in accordance with Section 69 of the Environmental Planning and Assessment Act.

FOR VOTE - Unanimous

5 [PD] Tweed Local Environmental Plan 2000, Amendment No 70 (Exempt and Complying Development) and Accompanying Amendment No. 4 to Development Control Plan No. 40

P 32 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that consideration of the Tweed Local Environmental Plan 2000, Amendment No 70 (Exempt and Complying Development) and Accompanying Amendment No 4 to Development Control Plan No. 40 be deferred pending further redrafting of the report.

FOR VOTE - Unanimous

6 [PD] Request for Rezoning - Corner of Turnock and Pearl Streets

P 33 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that consideration of the Request for Rezoning - Corner of Turnock and Pearl Streets, be deferred until a development application is submitted.

FOR VOTE - Unanimous

7 [PD] Amendment to Section 94 Contribution Plan No 22 - Cycleways

P 34 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:

1. Adopts the amended exhibited Section 94 Contribution Plan No.22 – Cycleways.

2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

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.

THIS
PAGE
IS
BLANK

**THIS
PAGE
IS
BLANK**

1 [PD] Development Application DA05/0195 for a Residential Flat Building 6 Storeys Comprising 12 Units and Two Levels of Underground Car Parking at Lot C DP 406494 No. 2 Boundary Lane and Lot 1 DP 350710 No. 4 Boundary Lane, Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA05/0195 Pt1

SUMMARY OF REPORT:

At the Planning Committee meeting of 20 July 2005 it was resolved as follows: -

***“RECOMMENDED** that this item be reported to the next Council meeting for approval which addresses the concerns incorporated the draft conditions raised in (a) and (b) above being:*

- a) Traffic management/calming, a "road capacity study" of Boundary Lane, Tweed Heads addressing vehicle movements and pedestrian movement capacity,*
- b) i) Privacy and landscaping plan requirements in relation to adjoining properties*
 - ii) Better articulation of the south-eastern façade,*
 - iii) A Site Manager being available during construction as a point of contact for access, traffic issues and to oversee that the amount of construction unloading/loading that can be undertaken on site be carried out on site.*
 - iv) Consideration be given to conditions in the development consent to minimise the impact of increased number of garbage bins.*
 - v) Panel of finishes and materials to be used on the exterior are to be provided."*

In accordance with the above resolution the revised recommendation is below with the new conditions underlined. However, in accordance with recommendation (a) the following is provided: -

- (a) Boundary Lane currently has 3 speed humps that act as traffic calming devices. Council's Technical Officer does not recommend further speed humps or raised platforms in a residential laneway due to potential noise and amenity issues. However, Boundary Lane in itself is considered to restrict speed due to its width, one way nature and grade. It should be further noted that there is no accident record in this laneway.
- (b) In regard to the capacity of Boundary Lane, Council's Traffic and Transport Engineer has provided that based on the capacity of a two (2) lane two (2) way road which can carry 16,000 vehicles per day, a one way carriage could

potentially carry 8,000 vehicles per day. However, this would be with unrestricted flow and would have no regard for amenity. To allow for the number of driveways this figure should be reduced by 50% to 4,000 vehicles per day for the capacity of the lane (this equates to 400 vehicles in the peak hour). What this demonstrates is that the capacity of Boundary Lane is in excess of any potential traffic generation from both the existing and any future development that requires access off the laneway. Any future application relying on access off Boundary Lane will need to be assessed on its individual merits having regard to the geometry of the laneway.

Based on this advice no additional conditions are proposed in relation to traffic calming or road capacity studies.

RECOMMENDATION:

That: -

- 1. Council utilises its assumed concurrence in relation to the North Coast Regional Environmental Plan Clause 51 - Tall Buildings.**
- 2. Council generally supports the application and refers it to the Director Planning & Development to negotiate a contribution of \$2,000 per unit under a voluntary agreement for public infrastructure identified in the Tweed Heads Master Plan.**
- 3. The approval be issued by the Director Planning & Development under delegation in accordance with the following conditions: -**

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos A01 - A07 prepared by Sean Gartner Architects and dated February 2005, except where varied by these conditions.**
[GEN0010]
- 2. No part of the proposed development shall exceed RL 49.8m AHD.**
[GEN0010]
- 3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.**
[GEN0120]
- 4. The erection of a building in accordance with a development consent must not be commenced until:**
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and**
 - (b) the person having the benefit of the development consent has:**

- (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-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.

[GEN0150]

5. Any use of a crane or other equipment that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain the approval of the Secretary, Department of Transport and Regional Services. An application for the Secretary's approval must be given to the airport lessee company (ie Gold Coast Airport Limited) at least 28 days before the intended commencement of the controlled activity.

[GENNS01]

6. 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.

[GEN0030]

7. The enclosed portion of the building is to stand a minimum of 6 metres from the front boundary of the property.

[GEN0080]

8. The boundary fence to Boundary Lane is to be no greater than 1.6 metres in height and is to step down the site accordingly.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. 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: S94 Plan No. 4 (Version 4.0) Sector1_4	\$6,697
b.	Open Space (Structured): S94 Plan No. 5	\$4,560
c.	Open Space (Casual): S94 Plan No. 5	\$974
d.	Shirewide Library Facilities: S94 Plan No. 11	\$4,024
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$818
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$1,262
g.	Extensions to Council Administration Offices & Technical Support Facilities	\$2,449.25

S94 Plan No. 18

- | | | |
|----|---|----------------|
| h. | Cycleways
S94 Plan No. 22 | \$940 |
| i. | Regional Open Space (Structured)
S94 Plan No. 26 | \$6,875 |
| j. | Regional Open Space (Casual)
S94 Plan No. 26 | \$1,286 |

[PCC0050/PSC0005]

10. 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 DSP4: 5.5 ET @ \$4230 \$23,265
Sewer Banora: 9.25 ET @ \$2634 \$24,365

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.

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.

[PCC0070/PSC0004]

11. 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.

[PCC0130]

12. 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) Runoff from driveway and basement car park areas must be treated to remove oil and sediment pollutants prior to discharge to the public realm. Permanent treatment devices must be sized in accordance with Section D7.12 of Council's Development Design Specification D7 - Stormwater Quality. Full engineering details of all treatment devices, including maintenance schedules, must be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate.

- (ii) Dedicated car wash bays must be bunded to prevent contamination of basement stormwater. All collected carwash runoff must be treated to remove oil and sediment pollutants prior to discharge to sewer, requiring a Tweed Shire Council Trade Waste Application.

[PCC0230]

13. 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*.

[PCC0320]

14. The legal point of discharge for the subject development is via discharge into the public drainage system in Boundary Lane.

[PCCNS01]

15. Construction Certificate drawings shall make provisions for the regrading of the subject site in accordance with Council's Development Control Plan 47 "Cut and Fill on residential Land " or to the satisfaction of the Director Engineering and Operations Division.

[PCCNS01]

16. All retaining walls in excess of 1.2m are to be designed by a suitably qualified geotechnical / structural engineer in accordance with AS4678 - 2002 - Earth Retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the Construction Certificate drawings.

[PCCNS01]

17. Prior to the issuing of a Construction Certificate, a full geotechnical assessment of the site is to be carried out and a report submitted to Council for approval. The report must include recommendations relating to site stability, proposed on-site excavation works including temporary and permanent retention methods proposed for the protection of adjacent structures, foundation design parameters, construction theories, as well as any other geotechnical matters of relevance relating to the proposed development. The report should detail any precautions considered necessary to protect such properties from damage in accordance with Tweed Shire Council's Building Excavation Dewatering Policy.

Ground anchors to retain sacrificial sheet piling (as required) will not be allowed within Council property without prior approval for installation by the Director Engineering and Operations Division and removal on completion or substantial financial compensation. Council will only allow ground anchors with neighbouring private property if consent by the owners of the property to be burdened is obtained prior to installation.

[PCCNS01]

18. Prior to Issue of Construction Certificate the applicant shall submit to Council documentation demonstrating General Public Liability Insurance to the value of \$5,000,000 which includes loss of support to neighbouring properties which is attributed to excavation vibration associated with the project in accordance with Tweed Shire Council's Building Excavation Dewatering Policy.

[PCCNS04]

19. An on site detention (OSD) system shall be installed in general accordance with stormwater management details provided by Northern Beaches Consulting Engineers (dated 21 February 2005, ref 041219), to limit peak stormwater discharge from the site to the public realm to 200L/s/ha in events of intensity up to the ARI 100 year design storm. These works and the connection to Council's drainage system shall be constructed in accordance with detailed design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director Engineering & Operations. Invert levels of all devices shall be reviewed to ensure efficient conveyance of stormwater to the Boundary Lane kerb and gutter.

[PCCNS01]

20. 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 within the public road including the construction of new driveway access, footpath or kerb and gutter construction. 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.

[PCCNS01]

21. Appropriate arrangements to the satisfaction of Council's DECS shall be provided for the storage and removal of garbage and other waste products.

[PCCNS02]

22. Prior to the installation of any air conditioning systems, details of the units and locations proposed shall be supplied to Council's Environment and Health Unit for review and approval.

[PCCNS03]

23. Prior to the issue of a Construction Certificate, the applicant will submit a detailed privacy and landscape plan to Council for the approval of the Director of Planning and Development (in consultation with the Chair of Planning) which will include: -

(a) A 1:100 plan of the exterior area with proposed surfaces, trees, plants and other landscape elements.

(b) Details of any proposed earthworks.

(c) Details of drainage and watering system.

(d) Management plan for the landscaped area post completion of the building.

[PCC0010]

24. 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.

[PCC0240]

25. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

[PCC0040]

26. Prior to issue of the Construction Certificate Council is to be advised of contact details of the site manager who is to be available during construction as a point of contact for access, traffic issues and to oversee the amount of construction unloading/loading and to ensure that all machinery is kept on site as much as is practical.

27. Prior to the issue of the Construction Certificate the applicant is to submit to the Director of Environment and Community Services for approval a revised plan demonstrating the management of waste disposal in an attempt to reduce the visual impact from garbage bins on Boundary Lane on collection day.

28. Prior to the issue of the Construction Certificate, the following details shall be provided for approval by the applicant to the Director of Planning and Development (in consultation with the Chair of the Planning Committee): -

- (a) Details of all external materials and finishes to be used on the building exterior, including glazing material.
- (b) Details at a scale of 1:100 illustrating the design of all decorative elements and details, windows, louvers and any other details.

29. Prior to the issue of the Construction Certificate, Council is to receive a revised south eastern elevation that provides greater detail and contrast through use of materials to reduce the visual impact of this facade.

PRIOR TO COMMENCEMENT OF WORK

30. 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 recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

31. 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.**

[PCW0060]

32. 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.

[PCW0070]

33. 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:

- (a) The person must, at the person's own expense:**
 - i. preserve and protect the building from damage; and**
 - ii. if necessary, underpin and support the building in an approved manner.**
- (b) 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.**

[PCW0080]

34. 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.

[PCW0090]

35. 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.

[PCW0210]

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.

[PCW0230]

37. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

[PCW0280]

38. Prior to commencement of any demolition works, drainage is to be disconnected from Council's Sewerage reticulation at the building's connection point. This work is to be carried out by Council staff at developers cost as per Council's current Fees and Charges.

[PCW0300]

39. Prior to the commencement of any demolition works on the site a development application for demolition is to be submitted to and approved of by Council.

[PCWNS01]

40. 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.

[PCW0190]

DURING CONSTRUCTION

41. 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).

[DUR0010]

42. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0070]

43. 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.

[DUR0080]

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

[DUR0090]

45. 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.

[DUR0100]

46. 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.

[DUR0130]

47. 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.

[DUR0160]

48. 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.

[DUR0170]

49. 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.

[DUR0200]

50. (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.

[DUR0210]

51. 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.

[DUR0220]

52. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

53. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0560]

- 54. 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.**

[DUR0850]

- 55. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.**

[DUR0860]

- 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.**

[DUR0870]

- 57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.**

[DUR0880]

- 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.**

[DUR0900]

- 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.

[DUR0910]

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

[DUR0920]

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, Engineering & Operations. [DUR0930]
62. The burning of builders waste on site by open fire is prohibited. [DUR0940]
63. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation. [DUR0970]
64. 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. [DUR1020]
65. 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. [DUR1030]
66. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
67. 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. [DUR1070]
68. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
69. 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.

[DUR1110]

70. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR1130]

71. 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:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C 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.

[DUR1160]

72. 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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

73. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DURNS01]

74. A concrete ribbon footpath 100 millimetres thick for the full width of the nature strip between the back of kerb and the property boundary along the frontage of the site to Boundary Lane and continued on the same alignment to the existing footpath on Tweed Terrace is to be constructed on a compacted base. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres. The footpath is to have a 2.5% crossfall. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. No steps or ramps will be permitted within the nature strip and the associated entrances to the proposed development must be designed accordingly. The

concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and be maintained unvaried across the proposed driveway and pedestrian entrances. An inspection of the formwork is to be arranged with Council's Engineering & Operations Division prior to concrete being placed.

[DURNS01]

75. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering & Operations. Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
- [DURNS01]
76. Adequate site distances satisfying the provisions of Council's "Driveway Access To Property" pamphlet must be provided at the site's vehicular access.
- [DURNS01]
77. All imported fill material shall be from an approved source. Prior to commencement of filling operations, details of the source of fill shall be submitted to the satisfaction of the DECS. Documentary evidence must be provided that the fill material is free of any contaminants.
- [DURNS02]
78. 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 within one hour of occurrence.
- [DURNS03]
79. All works (including support structures for excavation such as sheet piling) are to occur within the confines of the subject property boundaries.
- [DURNS04]
80. The building is to be constructed of non reflective materials with a complementary colour scheme.
- [DURNS05]
81. No soil, sand, gravel, clay or other material shall be disposed of off the site.
- [DUR0030]

82. 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.

[DUR0040]

83. The provision of 31 off street car parking spaces, five to be nominated as visitor car parking and one to be a nominated car wash bay. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

84. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

[DUR0060]

85. 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.

[DUR0730]

86. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Planning and Development.

[DUR1230]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

87. 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 and conditions of Consent.

[POC0020]

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

[POC0030]

89. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

90. 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.

[POC0170]

91. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

USE

92. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

[USE0180]

93. All mechanical ventilation, pool pumps, other plant and associated equipment shall be acoustically treated where required to the satisfaction of Council's DECS so as to avoid the creation of intrusive or unreasonable noise to any occupant of a neighbouring or adjacent residential premises.

[USENS01]

94. All externally mounted artificial lighting is to be shielded to the satisfaction of Council's DECS where necessary or required so as to prevent the spill of light creating a nuisance to adjoining residential premises.

[USENS02]

95. 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.
[USE0040]
96. All trade materials, product and plant to be kept within confines of the building at all times.
[USE0120]
97. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with.
[USE0140]
98. The swimming pool is not to be used for commercial purposes without prior Development Consent.

REPORT:

As per summary.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

2 [EC] Proposed Free Use of Kingscliff Amenities Hall

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

The Festival Director of the Kingscliff *"Art Food and All that Jazz Festival"* has requested that, as part of the Festival, Council allows use of the Kingscliff Amenities Hall at no cost from Thursday 11 August 2005 until Monday 15 August 2005.

The request complies with the current guidelines for *"no fee use"* and has been so approved previously by Council.

It is recommended that Council approves the request.

RECOMMENDATION:

That Council approves the use of the Kingscliff Amenities Hall for the period from Thursday 11 August 2005 until Monday 15 August 2005 by the Art Food and All That Jazz Festival, free of Council's normal fee.

REPORT:

As per the summary.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Approval will mean a loss of \$525 from the income of the Hall.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL MATTERS

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

1 [GC] 2004/2005 Loan Borrowing Program

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO] EC2004-066 Tenders for the Supply of Contract Haulage

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

3 [EO] EC2005-114 Supply and Delivery of Readymixed Concrete - Duranbah Reservoir #2

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4 [EC] Naming of New Clubhouse Facilities - Les Cave Oval, Murwillumbah

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)

5 [EC] Caretaking Agreement - Banora Point Multi Purpose Centre

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

