

The Meeting commenced at 4.27pm.

**IN ATTENDANCE**

Administrators Ms Lucy Turnbull (Chairman), Mr Garry Payne, Mr Max Boyd.

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Mike Rayner (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

**CONFIRMATION OF MINUTES**

**Minutes of the Planning Committee Meeting held 2 November 2005**

**P 77 COUNCIL DECISION:**

**Administrator Turnbull**  
**Administrator Boyd**

**RESOLVED** that the Minutes of the Planning Committee Meeting held Wednesday 2 November were adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

**APOLOGIES**

Nil.

**ACCESS - PLANNING**

Brian Ring	Seaside City
Terence Staines	Seaside City

## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

- 1 [PD] Development Application DA05/0737 for Demolition of Existing Structures and the Erection of a Six (6) Storey Multi Dwelling Housing Development at Lot 4 DP 10007, No. 32 Boundary Street Tweed Heads

**P 78 COUNCIL DECISION:**

Administrator Turnbull  
Administrator Payne

Refer to Planning Committee Meeting of 30 November 2005 Minute No. P85 to see amendment to Condition 41 of this item.
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**RECOMMENDED** that:-

1. Council utilises its concurrence in relation to the North Coast Regional Environmental Plan 1988 Clause 51 – Tall Buildings.
2. Council supports the application and refers it to the Director Planning & Development to negotiate a contribution based on the draft Section 94 Plan No. 26 and 27 under a voluntary agreement for public infrastructure identified in the Tweed Heads Master Plan.
3. Development Application DA05/0737 for the demolition of all existing structures and the erection of a six (6) storey multi dwelling housing development at Lot 4 DP 10007, No. 32 Boundary Street Tweed Heads be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Sheet Nos:
  - 1 of 13 prepared by Trapp Architects and dated 24/05/05
  - 2 of 13 prepared by Trapp Architects and dated 24/05/05
  - 3 of 13 prepared by Trapp Architects and dated 25/05/05
  - 4 of 13 prepared by Trapp Architects and dated 31/05/05
  - 5 of 13 prepared by Trapp Architects and dated 31/05/05
  - 6 of 13 prepared by Trapp Architects and dated 22/06/05
  - 7 of 13 prepared by Trapp Architects and dated 22/06/05
  - 8 of 13 prepared by Trapp Architects and dated 01/06/05
  - 9 of 13 prepared by Trapp Architects and dated 22/06/05
  - 10 of 13 prepared by Trapp Architects and dated 21/06/05
  - 11 of 13 prepared by Trapp Architects and dated 21/06/05
  - 12 of 13 prepared by Trapp Architects and dated 01/06/05
  - 13 of 13 prepared by Trapp Architects and dated 01/06/05except where varied by the conditions of this consent.

[GEN0005]

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. All mechanical ventilation, other plant and associated equipment shall be acoustically treated where required to the satisfaction of Council's Director of Environment and Community Services so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.  
[GENNS01]
5. 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.  
[GENNS02]
6. 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.  
[GEN0045]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

##### 7. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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:<br>S94 Plan No. 4 (Version 4.0)<br>Sector1_4                        | \$2,576    |
| (b) Open Space (Structured):<br>S94 Plan No. 5  | \$1,770    |
| (c) Open Space (Casual):<br>S94 Plan No. 5  | \$378      |
| (d) Shirewide Library Facilities:<br>S94 Plan No. 11  | \$1,562    |
| (e) Eviron Cemetery/Crematorium Facilities:<br>S94 Plan No. 13  | \$319      |
| (f) Emergency Facilities (Surf Lifesaving)<br>(REMSHIRE)<br>S94 Plan No. 16                           | \$473      |
| (g) Extensions to Council Administration Offices<br>& Technical Support Facilities<br>S94 Plan No. 18 | \$2,878.91 |
| (h) Cycleways<br>S94 Plan No. 22  | \$798      |

[PCC0215/PSC0175]

8. In accordance with s80A(1) (d) of the Environmental Planning & Assessment Act 1979, the period during which the development, being the subject of this consent may be carried out is limited as follows:
- (a) If the Tweed Road Contribution Plan contribution is paid in full prior to the commencement of the use stage of development, the period during which the development may be carried out is not limited by this condition.
  - (b) If an amount being, the Tweed Road Contribution Plan contribution divided by 10 is paid prior to the commencement of the use stage of development, the period during which the development may be carried out shall be for one year from the date of such payment.
  - (c) The period referred to in (b) above may be extended year by year by the payment (prior to the expiration of the previous period) of the Tweed Road Contribution Plan contribution divided by 10, with each such payment extending the period during which the development may be carried out by one year.

- (d) The consent for the use stage of this development will not commence until payment has been made in accordance with (a) or (b) above.
- (e) The consent for the use stage of this development will cease to operate (and the use stage of the development must cease) within a period of 90 days after the expiration of the annual period for which payment has been made under b. or c. above unless payment has been made under (c) for the following year.
- (f) If 9 additional consecutive annual payments have been made in accordance with (c) the TRCP payment will be considered to be paid in full and the period during which the development may be carried out will not be further limited by this condition.

[PCC0255]

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 DSP4:	2.35 ET @ \$4230	\$9,941
Sewer Tweed Heads:	4 ET @ \$6152	\$24,608

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265]

10. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

11. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

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

[PCC1145]

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

[PCC1235]

13. 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) The dedicated car wash bays shall be constructed of pervious material, preferably turf.
  - (iii) All stormwater discharged from the development shall be via pipe discharge into the public drainage system in Boundary Street.
  - (iv) 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.
  - (v) 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.
  - (vi) 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.
  - (vii) Ground anchors to retain sacrificial sheet piling or the like (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.

(viii) An on site detention (OSD) system shall be provided to mitigate peak stormwater discharge up to the ARI 100 year design storm event for the development to pre development rates. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping, however ponding in basement car parking areas is not accepted. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director, Engineering & Operations.

[PCCNS02]

14. 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*.
15. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.



- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

[PCC1105]

16. Prior to the issue of a Construction Certificate, the Applicant will submit a detailed Landscape Plan to Council for the approval of the Director 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 element;
  - b) Details of any proposed earthworks;
  - c) Details of the drainage and watering system; and
  - d) A Management Plan for the landscaped area post completion of the building.
  - e) wherever possible native or drought tolerant species to be utilised.

#### PRIOR TO COMMENCEMENT OF WORK

17. 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]

18. 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
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the 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.

[PCW0215]

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

[PCW0225]

20. 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

[PCW0245]

21. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

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

- [PCW0255]
22. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

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

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

- [PCW0985]
23. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

- [PCW1065]
24. 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.

[PCWNS01]

#### DURING CONSTRUCTION

25. 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 General Manager or his delegate. Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

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 works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

26. The provision of nine (9) off street car parking spaces including parking for the disabled where applicable is required. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890. [DUR0065]

[DUR0085]

27. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: - Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

28. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

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

[DUR0375]

30. 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. [DUR0395]
31. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0405]
32. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations. [DUR0415]
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (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. [DUR0425]
33. 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 in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.
- Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.
- Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.
- Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve. [DUR0435]
34. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority. [DUR0645]

35. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos. [DUR0655]
36. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties. [DUR0805]
37. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
38. Provision of an adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area. [DUR0965]
39. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
40. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
41. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited without the written approval of the NSW Rural Fire Service or NSW Fire Brigade. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
42. All fire service connections are to be compatible with those of the NSW Fire Brigade. [DUR1325]
43. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR1795]

44. 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 in accordance with Councils adopted Design and Construction Specifications prior to the occupation of the buildings.  
[DUR1875]
45. 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.  
[DUR1955]
46. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.  
[DUR2185]
47. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".  
[DUR2195]
48. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.  
Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.  
  
This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.  
[DUR2375]
49. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:  
(a) internal drainage, prior to slab preparation;  
(b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;  
(c) external drainage prior to backfilling.  
(d) completion of work and prior to occupation of the building.  
[DUR2485]
50. Plumbing  
(a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.  
(b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.  
[DUR2495]
51. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.  
[DUR2505]

52. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
53. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR2535]
54. 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. [DUR2545]
55. 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:-
- \* 45<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]
56. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*). [DUR2615]
57. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DURNS01]
58. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications. [DURNS03]



59. A concrete ribbon footpath 1.2m wide and 100 millimeters thick is to be constructed on a compacted base along the entire frontage of the site to Boundary Street and Little Hill Street in accordance with Council's adopted Development Design and Construction Specifications. 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 works and its reconstruction.
- [DURNS04]
60. 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.

[DURNS02]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

61. Appropriate arrangements to the satisfaction of Council's Director of Environment and Community Services shall be provided for the storage and removal of garbage and other waste products.
- [POCNS01]
62. 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.
- [POCNS02]
63. 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.

[POCNS03]

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

[POC0205]

65. 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.

[POC0225]

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

[POC1045]

**USE**

67. All landscaping work is to be completed in accordance with the approved plans prior to any occupation of the building.

[USE0735]

68. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

[USE1455]

69. All externally mounted artificial lighting shall be shielded to the satisfaction of Council's Director of Environment and Community Services where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent products.

[USENS01]

**FOR VOTE - Unanimous**

**2 [PD] Development Application DA05/0006 for the Demolition of an Existing Dwelling and Erection of 4 Residential Apartments and Associated Car Parking at Lot 5 Sec 3 DP 9453, No. 2 Sutherland Street Kingscliff**

**P 79 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

Refer to Planning Committee Meeting of 30 November 2005 Minute No. P85 to see amendment to Condition 52 of this item.

**RECOMMENDED** that Development Application DA05/0006 for the demolition of an existing dwelling and erection of 4 residential apartments and associated car parking at Lot 5 Sec 3 DP 9453, No. 2 Sutherland Street Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
  - Plan No DA-03 Issue B prepared by Sean Gartner Architects and dated July 2005 (plot date 26/07/2005);
  - Plan No DA-04 prepared by Sean Gartner Architects and dated July 2005 (plot date 26/07/2005);
  - Plan No DA-05 prepared by Sean Gartner Architects and dated July 2005 (plot date 26/07/2005);
  - Plan No DA-06 prepared by Sean Gartner Architects and dated July 2005 (plot date 26/07/2005);
  - Plan No DA-07 Issue B prepared by Sean Gartner Architects and dated July 2005 (plot date 11/1/2005);
  - Plan No DA-08 Issue B prepared by Sean Gartner Architects and dated July 2005 (plot date 11/01/2005);except where varied by the conditions of this consent. [GEN0005]
2. 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. [GEN0045]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
4. The development is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications. [GEN0125]
5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]
6. Fencing to Hungerford Lane and Sutherland Street shall not exceed 1.2m in height unless otherwise approved by Council.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Section 94 Contributions  
Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.  
  
Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority 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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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)  Sector6_4	\$2,548
(b) Open Space (Structured): S94 Plan No. 5	\$1,260
(c) Open Space (Casual): S94 Plan No. 5	\$269
(d) Shirewide Library Facilities: S94 Plan No. 11	\$1,112
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$229
(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15  North Coast	\$1,476
(g) Emergency Facilities (Surf Lifesaving) (REMSHIRE)  S94 Plan No. 16	\$337
(h) Extensions to Council Administration Offices & Technical Support Facilities  S94 Plan No. 18	\$2,049.37
(i) Cycleways S94 Plan No. 22	\$568
(j) Regional Open Space (Structured) S94 Plan No. 26	\$1,899
(k) Regional Open Space (Casual) S94 Plan No. 26	\$355

[PCC0215/PSC0175]

8. 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 DSP5: 2 ET @ \$4230	\$8,460
Sewer Kingscliff: 2.75 ET @ \$6152	\$16,918

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265/PSC0165]

9. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for the removal and or construction of any retaining wall adjacent to public land or supporting public land prior to the issue of a construction certificate.

[PCC0935]

10. Prior to the issue of a Construction Certificate the following detail in accordance with Council's adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- copies of compliance certificates relied upon
  - four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
    - earthworks
    - 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)

• Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

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 Principal Certifying Authority 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.

[PCC1065]

12. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
  - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
  - (d) Specific Requirements to be detailed within the Construction certificate application include:
    - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
    - (ii) All runoff from driveway and undercover car parking areas shall be treated to remove oil and sediment contaminants prior to the public realm. Treatment devices shall be sized in accordance with Section D7.12 of Councils *Development Design Specification D7 - Stormwater Quality*, with full engineering details, including maintenance schedules, to be submitted with a S68 Stormwater Application for approval prior to the release of a Construction Certificate.

[PCC1105]

13. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

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

[PCC1145]

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

[PCC1235]

15. Prior to the issue of a Construction Certificate, the Applicant will submit a detailed Landscape Plan to Council for the approval of the Director Planning & Development in consultation with the Chair of Planning, which will include:
- A 1:100 plan of the exterior area with proposed surfaces, trees, plants and other landscape element
  - Details of any proposed earthworks;
  - Details of the drainage and watering system; and
  - A Management Plan for the landscaped area post completion of the building.
  - wherever possible native or drought tolerant species to be utilised.

[PCCNS04]

16. Prior to the issue of a Construction Certificate, the following details shall be provided for approval by the Applicant to the Director Planning & Development in consultation with the Chair of Planning:
- Details of all external materials and finishes to be used on the building exterior, including glazing material; and
  - Details at a scale of 1:100 illustrating the design of all decorative elements and details, windows, louvers and any other details.

[PCCNS05]

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

[PCC1155]

#### PRIOR TO COMMENCEMENT OF WORK

18. The erection of a building in accordance with a development consent must not be commenced until:
- 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
  - the person having the benefit of the development consent has:
    - appointed a principal certifying authority for the building work, and

- (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
    - (c) the principal certifying authority has, no later than 2 days before the building work commences:
      - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
      - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
    - (d) the person having the benefit of the 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.
19. 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. [PCW0215]
- [PCW0225]
20. Residential building work:
- (a) 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:
    - (i) in the case of work for which a principal contractor is required to be appointed:
      - in the name and licence number of the principal contractor, and
      - the name of the insurer by which the work is insured under Part 6 of that Act,
    - (ii) in the case of work to be done by an owner-builder:
      - the name of the owner-builder, and
      - if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
  - (b) 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.

[PCW0235]



21. 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

[PCW0245]

22. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

23. 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.

[PCW0665]

24. Prior to start of building works provide a certificate of adequacy of design, signed by a practising Structural Engineer on the proposed retaining wall. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

25. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.

[PCW0755]

26. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
  - (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis.

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

[PCW0775]

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

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

[PCW0985]

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

[PCW1065]

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

[PCWNS02]

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.
- [PCWNS03]
31. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.
- [PCW0015]
32. An Engineers Certificate of structural adequacy is to be submitted to Council within seven days of the site being excavated certifying the adequacy of the sheet piling or other method used to support the adjoining properties.
- [DURNS01]

#### DURING CONSTRUCTION

33. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
- [DUR0005]
34. 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 General Manager or his delegate.  
Such to specifically include the following:
- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development  
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 works and its reconstruction.
- Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
- [DUR0065]
35. The provision of 10 off street car parking spaces (comprising 4 tandem resident spaces and two dedicated visitor spaces, one of which is to double as a car wash bay) including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.
- [DUR0085]

36. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

37. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

38. 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.

[DUR0245]

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

[DUR0375]

40. 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.

[DUR0395]

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

[DUR0405]

42. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (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.

[DUR0425]

43. 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 in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

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

[DUR0645]

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.

[DUR0655]

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

[DUR0815]

47. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

48. 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.

[DUR0915]

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

[DUR0975]

50. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

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

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

[DUR1005]

52. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited without the written approval of the NSW Rural Fire Service or NSW Fire Brigade. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

53. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

54. Landscaping of the site shall be carried out in accordance with the landscaping plans as approved prior to issue of a Construction Certificate.  
[DUR1045]
55. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Sutherland Street in accordance with Councils adopted Development Design and Construction Specification.  
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 works and its reconstruction.  
[DUR1735]
56. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.  
[DUR1795]
57. The proponent 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.  
[DUR1845]
58. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.  
[DUR1875]
59. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.  
[DUR1905]
60. 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.  
[DUR1955]
61. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.  
[DUR2185]

62. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal a waste transporter licensed by the EPA. [DUR2215]
63. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
  - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) external drainage prior to backfilling.
  - (d) completion of work and prior to occupation of the building. [DUR2485]
64. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR2495]
65. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
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. [DUR2545]
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:-
- \* 45<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]
68. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*). [DUR2615]
69. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main. [DUR2705]
70. All surface waters other than stormwater shall be directed to Council approved pre-treatment facilities before discharge to sewer. Details are to be submitted to and approved by Tweed Shire Council prior to installation. [DUR2725]
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71. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by Tweed Shire Council prior to installation  
[DUR2735]
72. Lighting, plant and equipment shall not be permitted to impact the amenity of any premise.  
[DURNS02]
73. All residential units shall be provided with access to clothes washing facilities within the premise.  
[DURNS03]
74. All necessary precautions shall be taken to minimise impact from dust from construction vehicles.  
[DURNS04]
75. Acid sulphate soils shall not be exposed or disturbed.  
[DURNS05]
76. The applicant shall remove the existing vehicular access laybacks located in Sutherland Street and Hungerford Lane and reinstate the kerb and gutter in accordance with Councils adopted Development Design and Construction Specifications. In addition the brick paving along the frontage of the land in Sutherland Street shall be removed and a concrete paved path provided in accordance with Council standards.  
[DURNS06]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

77. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).  
[POC0205]
78. 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.

[POC0265]

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

[POC1045]

80. Prior to the issue of an Occupation Certificate, a satisfactory inspection report issued by Council must be produced for s68h2 storm water quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

81. Prior to the issue of an Occupation Certificate under Environmental Planning & Assessment Act 1979, a registered surveyor shall provide certification of the height of the building, to the satisfaction of Council's Director of Planning & Development. The height of the building as defined by Tweed LEP 2000 shall not exceed 2 storeys.

[POCNS02]

#### USE

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

[USE0125]

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

[USE0135]

84. 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.

[USE0435]

85. The terraces and courtyards are not to be roofed by any means unless prior consent is obtained from Council.

[USE0495]

86. 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.

[USE1235]

87. A backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owner's expense.

[USE1455]

88. The wastes shall be collected, stored, and disposed to the satisfaction of the Director Environment & Community Services. A screened, graded and drained drainage garbage storage area shall be provided within the boundary of the site. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection.

[USENS01]

#### **FOR VOTE - Unanimous**

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**3 [PD] Development Application DA04/1591 for a 65 lot subdivision at Lot 4 DP 1074167, No. 137 Old Lismore Road Murwillumbah**

**P 80 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

Refer to Planning Committee Meeting of 30 November 2005 Minute No. P85 to see amendments to Conditions 13(c) and 59 of this item.
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**RECOMMENDED** that Development Application DA04/1591 for a 65 lot subdivision at Lot 4 DP 1074167, No. 137 Old Lismore Road Murwillumbah and the associated SEPP 1 objection relating to Clause 14 of TLEP 2000 be supported and the following conditions be used as a basis for a Consent Order in the Land and Environment Court: -

**"DEFERRED COMMENCEMENT"**

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

- i. Adjoining owners' consent for Lot 132 DP 1057733, for the creation of an easement for sewerage for a proposed sewer rising main on that property, or
- ii. An acceptable alternative sewer disposal design for the development.

**SCHEDULE B**

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and all addendums thereto prepared by Darryl Anderson Consulting listed in the table below and the subdivision development plans prepared by Richard Harry & Associates referred in the table below, except where varied by the conditions of this consent.

Description	Identification	Date
Statement of Environmental Effects		
<i>Main document</i>		<i>November 2004</i>
<i>Addendum</i>	<i>Response to issues raised by DIPNR comprising environmental consultancy advices prepared by HMC Pty Ltd dated 24 March 2005.</i>	<i>31 March 2005</i>
<i>Addendum</i>	<i>Response to issues raised by Council prepared by DAC Pty Ltd.</i>	<i>16 September 2005</i>
Subdivision Plans		
<i>Concept Layout Plan</i>	<i>35058 - A</i>	<i>25 October 2005</i>

[GEN0005]

2. Threatened species shall be managed in accordance with the recommendation(s) provided in the Environmental Consultants (Gary Opit Environmental Consultant Chary Pty Ltd) advices dated March 2004 and 29 July 2005. In addition, no translocation, removal, lopping or alteration is permitted without the prior written approval of the Director of the NSW Department of Environment and Conservation (National Parks and Wildlife Service).

[GENNS01]

3. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications.

[GEN0125]

4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

5. The road corridor for the future extension and realignment of Road No.1 in the north-western corner of the site, as depicted on the plans, is to be dedicated as public road in Stage 1 of the development. The corridor width must account for all required stormwater drainage infrastructure, road batters and ancillary works. No road construction works are required within this corridor as part of this approval, however filling of land within this corridor is approved, provided that it is compatible with any filling works on Lot 62 being on the western side of the corridor.

It is acknowledged that this portion of land (Lot 62) is intended to be created as a fully serviced lot as part of the Stage 4 works. This lot will be required to have a minimum finished ground level of RL 10.0m AHD.

6. Lot 60, being the freshwater wetlands, is required to be dedicated as Drainage Reserve as part of the Stage 1 works.

[GENNS02]

7. Prior to commencement of work pursuant to each relevant stage of work as proposed by this consent, a Construction Certificate shall be obtained for all such relevant work.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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]

9. Prior to the issue of a Construction Certificate, a wetland management plan shall be submitted and approved by the General Manager or his Delegate. The plan shall provide for the enhancement and encouragement of regeneration of natural vegetation to ensure buffer viability, wetland integrity and downstream water quality improvement.

[PCCNS02]

10. Proposed lot 61 shall be dedicated as passive open space and suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application. Where play equipment is installed a minimum area of 10m around the equipment is to be turfed and the remaining area seeded.

Where a developer pays Council to acquire and install play equipment, Council will NOT install the equipment until a minimum of 20% of the lots in that stage of the development are occupied. The embellishment shall be completed prior to the issue of a Subdivision Certificate.

[PCC0235]

11. 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 General Manager or his delegate.

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

[PCC0275]

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

[PCC0285]

13. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>0</sup> 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:

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with sub-tropical (rainforest) native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant. Preference should be given to exotic and drought tolerant species wherever possible.
- (d) 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.

[PCC0455]

14. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

15. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, DCP47 and Councils adopted Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer. Please note timber retaining walls are not permitted.
- [PCC0475]
16. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- [PCC0585]
17. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.
- [PCC0865]
18. The applicant shall submit plans and specifications with an application for a construction certificate for the following roadworks with associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications:
- (a) Road 1 shall have an 11m carriageway width with upright kerbs, as well as a 2.5m wide cycleway, within a 20m road reserve. The proposed retaining wall on the eastern side of Road 1 must also be fully contained within the road reserve.
  - (b) Roads 2, 3 and 4 shall generally have a 7.5m carriageway width with upright kerbs, as well as path paving, within a 14.5m road reserve.
  - (c) All footpath areas to have a 2.5% crossfall for the full width of the footpath area.
  - (d) Road 1 shall be designed in consideration as it being a bus route, and provisions made for bus stops and shelters along it's length.
  - (e) The construction certificate for Stage 1 of the development shall include a design for the future extension of Road 1 into the north-western corner of the site. This design shall incorporate;
    - (i) An alignment that merges smoothly with the proposed road layout of the adjoining residential subdivision to the north, currently under consideration by Council and referenced as DA04/1618.
    - (ii) A minimum finished level of RL10.0m AHD, with all required road batters clearly depicted. This will determine the required road corridor width that is to be dedicated.

- (iii) An intersection design with Old Lismore Road, in consideration of the required reconstruction of that section of Old Lismore Road nominated elsewhere in this condition. Road batters are to be clearly depicted, to enable the extent of corner splays to be determined.
- (iv) An intersection design for the junction of the current Road 1 and future Road 1 alignments. A "T" intersection will be required at this point. Any reconfiguration of future access requirements for Lots 55 to 59 inclusive, when Road 1 is extended, must also be included.
- (v) The intersections of Road 1 with Tyalgum Road, and Road 1 with Old Lismore Road, are to be designed and constructed to Austroads Standards Type C intersections. This shall include protected right turn bays, left turn acceleration lanes, and street lighting to V4 (AS) standard.
- (vi) Old Lismore Road is to be reconstructed and realigned, generally in accordance with Plan 221-RD sheet 3, and in particular;
  - To have a minimum finished level of RL 10.0m AHD,
  - To provide a minimum 6m center seal, for the full northern frontage of Lot 60 and Lot 62 up to and including the current proposed intersection with Road 1.
  - The existing culvert is to be upgraded to a minimum of a Q100 capacity. The catchment analysis must cater for a fully developed upstream catchment. Full details are to be provided with the engineering plans, including all required road signage and warnings.
- (vii) All roads and residential lots are to have a minimum finished surface level of RL 10.0m AHD, except Lots 1 to 5, which shall only require provision for an area of not less than 450m<sup>2</sup>.
- (viii) Provision of a constructed wetland within Lot 60, generally in accordance with plans 221-SW sheets 18 and 19 and Council's Development Design Specification D7. Full design details are to be provided with the engineering plans, and are to include;
  - A structure at the base of the wetland to allow manipulation of water levels to enable control of macrophytic and insect populations, and to facilitate dredging.
  - The proposed constructed wetland will require "protection buffers". These buffers stop the mobilisation of sediments within the wetland when inundated during a Q100 flood.
- (ix) Provision of a concrete access driveway within the reciprocal Rights of Carriageway serving Lots 19 and 20, in accordance with the provisions of DCP16.



- (x) All cut and fill batters are to be wholly contained within the subject property.
  - (xi) Stormwater discharge from the existing culvert across Old Lismore Road, as well as any other concentrated discharge, is to be captured, piped and conveyed through the site via a concrete pathway/cycleway, to connect to the internal stormwater drainage system.
  - (xii) Stormwater discharge from the end of Road 4, being conveyed through private property, shall be designed for Q100 pipe flows, as well as provision for a relief overland flowpath. The trap low point in the cul-de-sac shall also be provided with reverse footpath crossfall.
  - (xiii) Provision of pedestrian/cycle path links to Old Lismore Road, including an address of the safety and general amenity of such links. Any required improvements to Old Lismore Road to enhance pedestrian and cyclist safety, such as widening, linemarking, signposting for shared use, speed reduction etc, are to be separately addressed and resolved with Council, prior to issue of the construction certificate.
  - (xiv) The public reserve shall have a minimum finished ground level of RL 9.0m AHD.
- [PCC0875]*
19. Individual driveways to dwelling sites within all proposed lots, where resulting site gradients exceed Council's maximum driveway gradients, are to be specifically addressed with the Construction Certificate.
20. The Engineering Plans to accompany the Construction Certificate application shall restrict earthworks adjacent to the identified wetland within the subject site to the following:-
- (a) A minimum offset of 20.0m must be provided between the boundary of all residential lots and the edge of the identified wetland.
  - (b) A buffer zone, void of any disturbance must be provided from the edge of the identified wetland to the existing contour of RL 6.0m, with a minimum width of 10.0m imposed.
  - (c) A 3m wide, all weather maintenance track to allow servicing of the wetland, must be provided between the buffer zone (defined in point (b) above) and any associated earthworks for the development.
  - (d) Stormwater runoff from any proposed batter adjacent to the wetlands must be captured and treated to remove pollutants in accordance with Council's Development Design Specification D7 requirements, before discharging into the wetlands.
  - (e) Outflow from the wetland is to be maintained at existing levels.

- (f) Construction of the artificial wetland.
- (g) It is acknowledged that the two notes depicting "Proposed culvert for access" shown on the Concept Layout referred to in Condition No.1 are not required to be constructed. [PCCNS03]
21. If Option 1 of Schedule 'A' is pursued the documentary evidence of creation of an Easement to Drain Sewerage over the adjoining land is to be submitted to the Principal Certifying Authority, prior to issue of the construction certificate.
22. The applicant shall provide documentary evidence that a permit has been issued by the Department of Natural Resources under Part 3A of the Rivers and Foreshores Improvement Act 1948, for works within 40m of the natural watercourse. [PCCNS04]
23. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls, including a certificate of sufficiency of design prior to the issue of a construction certificate. [PCC0935]
24. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- (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/pavement design/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)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

25. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
  - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
  - (d) Specific Requirements to be detailed within the Construction certificate application include:
    - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

26. 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

is not be issued 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.

Where Council is requested to issue a Construction Certificate for civil works associated with this consent, the above-mentioned works can be incorporated as part of the Construction Certificate application, to enable a single approval to be issued. Separate approval under Section 68 of the Local Government Act would not then be required.

[PCC1145]

27. Where water is to be drawn from Councils reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
  - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
  - Payment of relevant fees in accordance with Councils adopted fees and charges.
- [PCC1205]
28. Prior to commencement of work, the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- (a) Occupation Health and Safety and Rehabilitation Management systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
  - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
  - (c) WorkCover Regulations 2000.
- [PCC0015]

PRIOR TO COMMENCEMENT OF WORK

29. 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]
30. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.
- [PCW0835]
31. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.
- [PCW0005]
32. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]

33. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve. [PCW0705]
34. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 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,
    - (ii) has appointed a Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and
    - (iii) 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. [PCW0815]
35. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Principal Certifying Authority, Contractor and Subdivision Works Accredited Certifier, shall be erected and maintained in a prominent position at the entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign must also state that unauthorized entry to the site is prohibited. The sign is to be maintained and must remain in place until the Subdivision Certificate is issued. [PCW0825]
36. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority. [PCW0985]
37. The proponent shall notify Councils Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water. [PCW1045]

DURING CONSTRUCTION

38. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

39. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

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

[DUR1005]

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

[DUR0880]

42. Any watercourse crossing is to be in compliance with current NSW Fisheries Policy and Guidelines for Bridges, Roads, Causeways, Culverts and Similar Structures.

[DUR1205]

43. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate. [DUR0225]
44. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by Tweed Shire Council. [DUR0255]
45. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway in accordance with Council adopted Design and Construction Specifications. [DUR2365]
46. The site shall not be dewatered in accordance with the approved Stormwater Management Plan and any General Terms of Approval and Licence issued by Department of Natural Resources. [DUR2425]
47. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means. [DUR2285]
48. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications. [DUR0005]
49. 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 General Manager or his delegate. Once the approved haul route (if applicable) has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works. [DUR0725]
50. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the Principal Certifying Authority.. [DUR0745]
51. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped. [DUR0755]
52. No filling to be placed hydraulically within twenty metres (20m) of any boundary that adjoins 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.

[DUR0765]

53. The proposed earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion. [DUR0795]
54. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties. [DUR0805]
55. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
56. All fill and cut batters shall be contained wholly within the subject land [DUR0825]
57. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
58. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
59. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited without the written approval of the NSW Rural Fire Service or NSW Fire Brigade. A copy of such approval is to be submitted to Council prior to commencing any burning activities. [DUR1015]
60. Before the commencement of the relevant stages of road construction;
- (a) Reports shall be submitted to the PCA from a Registered NATA Consultant demonstrating: -
- (i) That the pavement has been designed in accordance with Tweed Shire Councils adopted Design Specification, D2.
- (ii) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils adopted Design and Construction Specifications, C242-C245, C247, C248 and C255.
- (iii) That site fill areas have been compacted to the specified standard.
- (iv) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- (b) The required pavement design has been approved by the Principal Certifying Authority. [DUR1805]



61. All proposed road/streets, drainage and associated works within the development shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual and Development Design and Construction Specifications, except where varied by the conditions of this consent. [DUR1815]
62. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement. [DUR1825]
63. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb. [DUR1855]
64. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
65. If Tweed Shire Council is the Certifying Authority it shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual 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
- Sewer Pump Station
- (a) Excavation
  - (b) Formwork/reinforcement
  - (c) Hydraulics
  - (d) Mechanical/electrical
  - (e) Commissioning - on maintenance
  - (f) 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.

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".

[DUR1895]

66. 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.

[DUR1955]

67. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

68. The applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate. To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

[DUR2035]

69. Drainage Reserve

- (a) Dedication of the proposed drainage reserve at no cost to Council.
- (b) An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

[DUR2295]

70. 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 in accordance with Councils adopted Design and Construction Specification.

[DUR2355]

71. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

[DUR2375]

72. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

[DUR2385]

73. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

74. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

75. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate to allow the land to be classified.

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.

[DUR2635]

76. 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 1742.3-2002 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

77. Section 94 Contributions

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 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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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.

Stage 1 (10 Lots)

(a) Tweed Road Contribution Plan: \$19,360  
S94 Plan No. 4 (Version 4.0)

Sector9\_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): \$7,800  
S94 Plan No. 5

(c) Street Trees: \$2,970.00  
S94 Plan No. 6

(d) Shirewide Library Facilities: \$6,880  
S94 Plan No. 11

(e) Bus Shelters: S94 Plan No. 12	\$260
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,310
(g) Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$2,070
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$12,688.00
(i) Cycleways S94 Plan No. 22	\$3,520
(j) Regional Open Space (Structured) S94 Plan No. 26	\$11,770
(k) Regional Open Space (Casual) S94 Plan No. 26	\$2,210

Stage 2 (18 Lots)

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0)	\$34,848
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Sector9\_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 ilom

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 ilometer)

Admin. Administration component - 5% - see Section 6.5

- |   |             |
|---|-------------|
| (b) Open Space (Structured):<br>S94 Plan No. 5  | \$14,040    |
| (c) Street Trees:<br>S94 Plan No. 6   | \$5,346.00  |
| (d) Shirewide Library Facilities:<br>S94 Plan No. 11  | \$12,384    |
| (e) Bus Shelters:<br>S94 Plan No. 12  | \$468       |
| (f) Eviron Cemetery/Crematorium Facilities:<br>S94 Plan No. 13  | \$2,358     |
| (g) Emergency Facilities (Surf Lifesaving)<br>(REMSHIRE)<br>S94 Plan No. 16                           | \$3,726     |
| (h) Extensions to Council Administration Offices<br>& Technical Support Facilities<br>S94 Plan No. 18 | \$22,838.40 |
| (i) Cycleways<br>S94 Plan No. 22  | \$6,336     |
| (j) Regional Open Space (Structured)<br>S94 Plan No. 26   | \$21,186    |
| (k) Regional Open Space (Casual)<br>S94 Plan No. 26   | \$3,978     |

Stage 3 (11 Lots)

- |   |          |
|---|----------|
| (a) Tweed Road Contribution Plan:<br>S94 Plan No. 4 (Version 4.0) | \$21,296 |
|---|----------|

Sector9\_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:

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

and:

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

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 ilometer)

Admin. Administration component - 5% - see Section 6.5

(b) Open Space (Structured): S94 Plan No. 5	\$8,580
(c) Street Trees: S94 Plan No. 6	\$3,267.00
(d) Shirewide Library Facilities: S94 Plan No. 11	\$7,568
(e) Bus Shelters: S94 Plan No. 12	\$286
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,441
(g) Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$2,277
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$13,956.80
(i) Cycleways S94 Plan No. 22	\$3,872
(j) Regional Open Space (Structured) S94 Plan No. 26	\$12,947
(k) Regional Open Space (Casual) S94 Plan No. 26	\$2,431
Stage 4 (20 Lots)	
(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4 Heavy Haulage Component	\$38,721

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 ilom

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

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

Admin. Administration component - 5% - see Section 6.5

(b) Open Space (Structured): S94 Plan No. 5	\$15,600
(c) Street Trees: S94 Plan No. 6	\$5,940.00
(d) Shirewide Library Facilities: S94 Plan No. 11	\$13,760
(e) Bus Shelters: S94 Plan No. 12	\$520
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$2,620
(g) Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$4,140
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$25,376.00
(i) Cycleways S94 Plan No. 22	\$7,040
(j) Regional Open Space (Structured) S94 Plan No. 26	\$23,540



(k) Regional Open Space (Casual) \$4,420  
 S94 Plan No. 26

[PCC0215/PSC0175]

78. 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 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:

Stage 1

Water DSP2: 10 ET @ \$4230	\$42,300
Sewer Murwillumbah: 10 ET @ \$2634	\$26,340

Stage 2

Water DSP2: 18 ET @ \$4230	\$76,140
Sewer Murwillumbah: 18 ET @ \$2634	\$47,412

Stage 3

Water DSP2: 11 ET @ \$4230	\$46,530
Sewer Murwillumbah: 11 ET @ \$2634	\$28,974

Stage 4

Water DSP2: 20.2 ET @ \$4230	\$85,446
Sewer Murwillumbah: 20 ET @ \$2634	\$52,680

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265/PSC0165]

79. 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:
- (a) Easements for sewer, water supply and drainage over ALL services on private property.
  - (b) A restriction as to user is to be created over the overland flowpath corresponding with the drainage easement over the stormwater line, that caters for the discharge from the end of Road 4. This restriction is to ensure the overland flowpath remains clear and unencumbered, retains it's shape, and maintains a clear passage for overland flows across any boundary or internal fencing.  
Furthermore, a restriction is to be created over all adjoining lots to the above-mentioned overland flowpath, requiring floor levels of any adjoining dwelling to be a minimum of 300mm above the design top water level in the flowpath.
  - (c) In accordance with the recommendations nominated within the Soil Surveys Engineering Pty Ltd Geotechnical Investigation and Stability Assessment report dated 13.10.04, the following restriction is to be imposed on all lots with ground slopes in excess of 18 degrees: Slab on ground construction is not recommended in areas with slopes in excess of 18 degrees.
  - (d) Direct vehicle access to and from all lots that have a secondary frontage to Old Lismore Road or Tyalgum Road, except Lot 22, is not permitted.

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.

[PSC0835]

80. Pursuant to the provisions of S94 Plan 5 proposed lot 61 shall be dedicated as passive open space and suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application. Where play equipment is installed a minimum area of 10m around the equipment is to be turfed and the remaining area seeded. Where a developer pays Council to acquire and install play equipment, Council will NOT install the equipment until a minimum of 20% of the lots in that stage of the development are occupied. The embellishment shall be completed prior to the issue of a Subdivision Certificate.

[PSC0195]

81. 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. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

82. A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PSC0235]

83. All landscaping requirements shall be completed to the satisfaction of the Certifying Authority PRIOR to the issue of a Subdivision Certificate.

[PSC0485]

84. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification. The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

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

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

[PSC0735]

85. All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.  
In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.
- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.  
Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.
86. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with. [PSC0785]  
[PSC0825]
87. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate. [PSC0855]
88. 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 Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation. [PSC0865]
89. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.  
The following information must accompany an application:
- (a) 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.
- (b) all detail as tabled within DCP16, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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.

[PSC0885]

90. 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:-

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Water Reticulation
- (c) Compliance Certificate - Sewerage Reticulation
- (d) Compliance Certificate - Sewerage Pump Station
- (e) Compliance Certificate - Drainage

Note:

- i) All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) 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 Councils adopted Design and Construction Specifications.
- ii) 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".

[PSC0915]

91. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

92. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

This includes dedication of all splay corners indicated on plan 221DA-SITE (sheet 2), and all other splays, road corridors and road widening as nominated within this consent.

[PSC0945]

93. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

94. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

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.

[PSC1115]

95. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

[PSC1125]

96. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

97. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC1185]

***FOR VOTE - Unanimous***

#### **4 [PD] Standard Local Environmental Plan (LEP) Template**

#### **P 81 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Turnbull**

**RECOMMENDED** that Council endorses the submission lodged with the Department of Planning in respect of the exhibited draft Standard Local Environmental Plan.

***FOR VOTE - Unanimous***

**5 [PD] Draft Tweed Local Environmental Plan 2000, Amendment No 10 - Urban Release Area E**

**P 82 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council:

1. Pursuant to Section 68 of the Act, forwards the draft Local Environmental Plan Amendment No 10 – Terranora Urban Release Area (Area E), as per Appendix B, to the Department of Infrastructure, Planning and Natural Resources and requests the Department to forward the Plan to the Minister so the Plan can be made in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
2. Enters into a Deed of Agreement with the relevant landowner to enable Lot 227, DP 755740, Fraser Drive, Terranora to be transferred to Council prior to the Plan being forwarded to the Minister.
3. Prepares a Development Control Plan (in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*) to manage future development of the site.
4. Council shall not consent to development on the site known as Area E unless a Development Control Plan, Section 94 Plan, Master Plan/Concept Plan, Wetland Rehabilitation Plan and a Stormwater Management Plan have been approved for the land.

**FOR VOTE - Unanimous**

**6 [PD] Tweed Local Environmental Plan 2000, Amendment No 3 - Seaside City - Environmental Study and Draft Local Environmental Plan**

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

Mr Ring  
Mr Staines

**P 83 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council: -

1. Exhibits the Environmental Study and draft Local Environmental Plan, Amendment No 3, prepared by Connell Wagner, subject to the following adjustments:
  - The land to be zoned Environmental Protection to exclude land within the subdivided lots on the western side of Catherine Street.
  - The rewording of the nominated controls in the Written Instrument, as set out in Annexure 1 with the exception that Clause 4(b) in Schedule 1 is amended to read:

"The development of each allotment located outside the environmental protection zone and within 50 metres from the coastal reserve boundary limited to a single dwelling house or a dual occupancy development; and"
  - The inclusion of additional controls in respect of the service road and cycle way within the riparian buffer to Cudgen Creek.
2. Adopts the current road layout for Seaside City as the basis for future planning.
3. Prepares a Development Control Plan for Seaside City for detailed development and built form controls, in particular:
  - Site Cover, Urban Form and Landscaping
  - Stormwater management and infrastructure provision;
  - Land form and drainage;
  - Urban design at the southern end of Lorna Street which arise from the developable area on the sites on the eastern side of Lorna Street, south of Ocean Avenue being restricted by the 7(f) zoning;
  - Integration with existing development to the north and south;
  - Location and integration of public parking;
  - Provision of open space;



- Bushfire management;
  - Provision of a service road and cycleway west of Catherine Street.
4. Council shall not consent to development at Seaside City unless a Development Control Plan has been approved by Council for the land.
  5. Council defers the determination of any Development Application for land within Seaside City until Council has submitted Tweed Local Environmental Plan 2000, Amendment No 3 to the Minister for approval; and has adopted the Development Control Plan detailed in Item 3 above.
  6. Prepares a Section 94 Contributions Plan for Seaside City.

***FOR VOTE - Unanimous***

**7 [PD] Amendment to Section 94 Contribution Plan No 1 - Banora Point/Tweed Heads West Open Space**

**P 84 COUNCIL DECISION:**

**Administrator Payne  
Administrator Turnbull**

**RECOMMENDED** that the draft Amendment of Section 94 Contribution Plan No. 1 – Banora Point/Tweed Heads West Open Space be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

***FOR VOTE - Unanimous***

**REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES**

Nil.

**REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS**

Nil.

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES**

Nil.

**CONFIDENTIAL MATTERS**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT IN COMMITTEE**

Nil.

**REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE**

Nil.

**REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS IN COMMITTEE**

Nil.

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES**

Nil.

There being no further business the Meeting terminated at 5.11pm.



**The Minutes of Planning Committee Meeting held xxx Were Confirmed at the  
Operations Committee Meeting held xxx**

**The Recommendations of the Planning Committee Meeting  
held on xxx were adopted  
by Council at the Meeting held xxx**

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**Chairman**