

The Meeting commenced at 5.30pm.

## **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 of the Planning Committee Meeting held on 3 August 2005**

### **P 40 COMMITTEE DECISION:**

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

**RECOMMENDED** that the Minutes of the Planning Committee Meeting held 3 August 2005 be adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

Nil.

## **ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY**

Nil.

## COMMUNITY ACCESS - PLANNING

Nil.

## REPORTS THROUGH GENERAL MANAGER

## REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

- 1 [PD] Review of Determination of Development Application DA04/0800 for Minor Factory Extensions and a Change of Use to Accommodate Mini Storage Units Incorporating a Mezzanine Level at Lot 2 SP 22917 & Lot 16 DP 712954, No. 2/4 Kay Street, Murwillumbah

### P 41 COMMITTEE DECISION:

Administrator Turnbull  
Administrator Boyd

**RECOMMENDED** that Development Application DA04/0800 for a factory mezzanine levels to be storage sheds at Lot 2 SP 22917 (Lot 16 DP 712954), No. 2/4 Kay Street Murwillumbah be approved subject to the following conditions of consent: -

#### "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 six 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.

- A. Demonstration that all conditions of consent for DA02/2048 have been complied with.

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 Plan No's KS11, KS13, KS 14 prepared by Murray Spry, undated and Plan No's A1-996-001 Issue B dated December 2004 and A1 -996-02 Issue A dated November 2004 prepared by Richard Harry Engineering Services, except where varied by these conditions. [GEN0010]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. [GEN0030]
3. Advertising structures/signs to be the subject of a separate development application, where statutorily required. [GEN0070]
4. The erection of a building and civil works (i.e. associated earthworks, road pavement, storm water drainage, landscaping works, sedimentation and erosion management plans) in accordance with a development consent must not be commenced until:
  - (a) a construction certificate for the 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 work, and
    - (ii) notified the principal certifying authority that the person will carry out the work as an owner-builder, if that is the case, and
  - (b1) the principal certifying authority has, no later than 2 days before the work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:

- (i) appointed a principal contractor for the 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 work.

[GEN0150]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed plan of landscaping is to be submitted and approved by Council's Director, Planning and Environment prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[PCC0010]

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

- i. Design detail of car parking areas including pavement reconstruction and line marking in accordance with DCP 2. It should be noted that parking space number 18 shall be deleted from the plans submitted with the development application.
- ii. Construction of a storm water drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.

[PCC0180]

#### 7. Permanent Stormwater Quality Treatment

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

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*. [PCC0230]
8. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. [PCC0240]

9. Any premises proposing to discharge into Council's sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council's Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system. [PCC0280]

10. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

[PCC0320]

PRIOR TO COMMENCEMENT OF WORK

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

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

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

[PCW0070]

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

[PCW0090]

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

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

[PCW0280]

#### DURING CONSTRUCTION

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

[DUR0010]

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

[DUR0020]

16. The provision of 29 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

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

[DUR0150]

18. Car parking spaces for people with disabilities shall be provided and constructed in accordance with the provisions of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3.5 of the Building Code of Australia and it's requirement to comply with AS2890.1.

[DUR0300]

19. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation

[DUR0670]

20. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[DUR0680]

21. Building materials used below Council's minimum floor level of RL 6m AHD must not be susceptible to water damage.

[DUR0690]

22. Subject to the requirements of Country Energy, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

[DUR0700]

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

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

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

[DUR0730]

24. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

[DUR0870]

25. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

26. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

[DUR1070]

27. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]



28. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services. [DUR1230]

29. Fire hose reels shall be installed in accordance with the provisions of Part E1.4 of the Building Code of Australia and comply with Australian Standard AS1221 and AS2441.

However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards. [DUR1360]

30. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:

(a) an exit; or

(b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres. [DUR1390]

31. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and installed. Mounting heights shall be in accordance with AS2293.1. [DUR1400]

32. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to the PCA prior to installation. [DUR1410]

33. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 of the Building Code of Australia. [DUR1420]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

34. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent. [POC0020]

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

[POC0030]

36. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.

[POC0070]

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

[POC0170]

#### USE

38. The use being restricted to the floor area designated on the approved plan.

[USE0010]

39. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0040]

40. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0050]

41. No part of the building is to be used or adapted for separate residential habitation or occupation.

[USE0070]

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

[USE0120]

43. All loading/unloading to take place within the boundary of the subject property.

[USE0130]

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

[USE0160]

45. 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.

[USE0240]

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

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- 2 [PD] Development Application DA05/0359 for an Attached Dual Occupancy at Lot 813 DP 1013074, No. 32 Donegal Court, Banora Point

**P 42 COMMITTEE DECISION:**

Administrator Turnbull  
Administrator Boyd

**RECOMMENDED** that this item be deferred to the next meeting of the Planning Committee to allow objectors time to make representation to the Planning Committee access session and to have drawings included with the item.

***FOR VOTE - Unanimous***

- 3 [PD] Draft Development Control Plan No 50 - Bogangar/Cabarita Beach Locality Plan

**P 43 COMMITTEE DECISION:**

Administrator Turnbull  
Administrator Boyd

**RECOMMENDED** that the Committee defers consideration of this item to the next meeting of the Planning Committee.

***FOR VOTE - Unanimous***

- 4 [PD] Draft Tweed Local Environmental Plan 2000, Amendment No 72 - Seabreeze Estate

**P 44 COMMITTEE DECISION:**

Administrator Turnbull  
Administrator Payne

**RECOMMENDED** that Council:

1. Adopts draft Tweed Local Environmental Plan 2000, Amendment No 72, as exhibited.

2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 72, to the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

***FOR VOTE - Administrator Payne, Administrator Turnbull  
AGAINST VOTE - Administrator Boyd***

#### **REPORTS FROM DIRECTOR GOVERNANCE & CORPORATE SERVICES**

Nil.

#### **REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS**

Nil.

#### **REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES**

Nil.

#### **CONFIDENTIAL MATTERS**

Nil.

There being no further business the Meeting terminated at 6.15pm.



**The Recommendations of the Planning Committee Meeting  
held on 17 August 2005 were adopted  
by Council at the Meeting held 7 September 2005**

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**Chairman**