

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

2. DEVELOPMENT APPLICATION DA02/1983 - USE OF PROPERTY FOR FILMING AND PRODUCING A TELEVISION PROGRAM AT PART LOT 74 DP 755715, LOT 77 DP 755715, LOT 93 DP 755715, NO. 366 DUNGAY CREEK ROAD DUNGAY

DA02/1983

Applicant: Granada Productions Pty Ltd
Owner: Mr Craig D Parker, Mr Brian W Parker, Mr Ian D Sharman and Ms Linda K Brannian
Location: Part Lot 74 DP 755715, Lot 77 DP 755715, Lot 93 DP 755715, No. 366 Dungay Creek Road Dungay
Zoning: 1(a) Rural and 7(d) Environmental Protection (Scenic Escarpment)
Est Cost: 125000.00

BACKGROUND

Council is in receipt of a development application for a filming production over the subject land. The proposed development will involve the production of two television programs for completion in June 2003 however in the event of such being successful the applicant is seeking approval for the use through to June 2004.

The proposed filming production is a survivor style production involving people being given limited resources and filmed in the elements. As such the proposal does not involve the erection of extensive film sets rather the existing natural environment forms the location.

The proposal will involve:

- The use of an existing cleared paddock as a car parking area, catering facilities, cold rooms and amenities. This area is identified as being the Social Facility area A on the proposed plan.
- Provision of a technical base being a modular building assembled on site and placed on a scaffold platform. The area around the tech base would have portable amenities and catering trailer.
- Construction of filming platforms for a studio, to be used during live transmission of the television production.
- Use of land adjacent to the creek as a camp area and the making safe of walking areas.
- Construction of scaffolding and swinging bridges for use by the crew during production.
- Rearranging existing rocks in the creek to create small pool areas.
- Use of existing shed as site office and workshop.

Following the completion of the development the site is proposed to be rehabilitated, excluding the area of the technical base which is the approved house site under a previous boundary adjustment application.

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

The proposed development is identified as being integrated development and requires the general terms of approval from department of Land and Water Conservation and NSW Fisheries.

SITE DIAGRAM



CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(a) (i) **The provisions of any environmental planning instrument**

Tweed Local Environmental Plan 2000

The subject land is partly zoned 1(a) Rural and 7(d) Environmental Protection (Scenic Escarpment) under the Tweed Local Environmental Plan 2000. The primary objectives of the zone are:

- To enable ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.
- To protect rural character and amenity.

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

The secondary objectives include:

- To enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism.

The proposed development is permissible with consent in the subject zone, as the proposed use is considered to be provided for and consistent with the objectives of the zone.

Clause 15 of the LEP requires servicing arrangement for development to be provided. The proposal will have temporary facilities that have been assessed to be suitable by Council's Environmental Health Surveyor.

Clause 31 provides assessment criteria for development adjoining waterbodies. The proposed development is not likely to impact on scenic qualities of the foreshores, as the creek in this location is not viewed from adjoining property. The proposal is not likely to result in an pollution risk to the waterway, ecosystems or environs. As there is not river plan of management for this location it is not considered that the proposal is in conflict with any such strategy.

The proposed development is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2000.

North Coast Regional Environmental Plan 1988

Clause 15 of the REP provides development control measures for development adjoining or upstream of a river. The proposed development, its scale and activity is not considered to generate impacts to the environment, water flows, habitat or generate pollution.

The proposed development is not considered to be in conflict with the provisions of the Regional Environmental Plan 1988.

State Environmental Planning Policy No.44 – Koala Habitat

The applicant has provided an assessment of the koala habitat in accordance with the SEPP and advises that there is no core koala habitat present.

State Environmental Planning Policy No.55 – Remediation of Land

The potential risks of land contamination is required to be assessed. The previous approval for a dwelling site on the subject land has concluded that one of the subject properties is suitable for the proposed use. The owner of the land has provided Council with a Statutory Declaration in relation to previous land uses on the other allotment, which has satisfied Council's requirements in relation to this policy.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

The proposed development does not require further assessment in relation to the draft environmental planning instruments that have been exhibited.

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

(a) (iii) **Development Control Plans (DCP's)**

Development Control Plan No.2 – Access and Car Parking

Development Control Plan No.2 does not contain specific provisions in relation to filming productions and car parking demand. The applicant has proposed to provide a large car parking area in the cleared paddock adjacent to Dungay Creek Road which will be adequate in area to accommodate car parking generated by the proposal.

(a) (iv) **Any Matters Prescribed by the Regulations**

There are no matters prescribed by the regulations which are applicable to the proposed development.

(b) **The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

Natural Environment

The application is accompanied by an extensive flora and fauna report that was prepared by Peter Parker Environmental Consultants.

The proposed development will pass through a mixture of rainforest and wet sclerophyll forest and lowland subtropical rainforest. The vegetation communities are absent of hollow bearing or old growth trees. The canopy of the vegetation is intact.

These natural features are what has made the site suitable for the proposed development. The consultant located two threatened plant species under the Threatened Species Conservation Act 1995. These were the green leaved rose walnut (endangered) and the red bopple nut (vulnerable).

These species that are within 10 metres of the camp site are to be marked with flagging tape and will be protected during the duration of this project. In relation to any threatened fauna the consultant has advised that it would be expected that a number of threatened species would utilise the site. However as the project will be short term, not involve barriers, and use elevated walkways the footprint of the proposal on the environment of such species would be minimal.

Based on the field investigations and research the flora fauna consultant has concluded that there are no viable populations of species at risk of extinction and no viable endangered populations will be compromised. No known habitat of threatened species will be isolated, removed or critical habitat effected by the proposal.

In conclusion it is considered that the proposed development is not likely to result in a significant impact to the natural environment. The applicants consultant has recommended the following measures be adopted for environmental management of the project:

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

- An ecologist should attend the site to discuss construction methods with the persons responsible for erecting the walkway. The ecologist may need to undertake several visits during construction to assist in plant identification and recommend mitigation measures.
- Restoration of the site should concentrate on lantana thickets along the creeklines. An experienced weeding team should be engaged following completion of the project to rehabilitate the site.
- Careful attention need to be undertake throughout the life of the project to avoid impacting on the green leaved rose walnut and red bopple nut near the camp site.

It is considered that a condition of consent should be imposed requiring the recommendations above as contained in section 5.3 of the Peter Parker Environmental Consultants report dated December 2002 be adopted as part of an overall environmental management plan for the site.

Department of Land and Water Conservation and NSW Fisheries issued their general terms of approval for the proposed development.

Built Environment

Council's Building Surveyor has assessed the proposed development and recommended that a number of conditions be imposed. These conditions are considered to address the built environment requirements for the proposal.

As the structures proposed are temporary in nature and will be removed from the site following completion it is considered that no further assessment is required in relation to this issue.

Road Environment

Through Part 5 of the Environmental Planning and Assessment Act 1979 Dungay Creek Road has been upgraded. This upgrade has improved the surface of the road. The improved surface of the road will assist in catering for the additional estimated 92 vehicle trips per day from the proposal.

Social and Economic Issues

The proposed development will result in beneficial social and economic multipliers to the local community. The development is not considered to raise social issues to warrant the need for a social impact assessment report.

(c) Suitability of the site for the development

Contamination

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

The subject land and its past uses do not limit the ability for the site to be developed for the proposed use in relation to contamination.

Bushfire

The proposed development will need to comply with the Planning for Bushfire Guidelines and associated legislation. It is intended to impose this requirement as a condition of consent. The applicant has submitted a safety report that with the addition of further requirements may be able to meet the NSW Rural Bushfire Service needs.

The subject land is not considered to be encumbered with constraints preventing its development for the proposal.

(d) Any submissions made in accordance with the Act or Regulations

The proposed development was notified for a fortnight. During this period one submission was received. The following table addresses the issues raised in the submission.

Issue	Comment	Assessment
Noise	Concern was raised that traffic noise during pre-production and filming would be excessive. Disturbing sleeping, health and amenity.	The activities proposed on the site are not of a significant noise nuisance type, as such Council's Environmental Health Surveyor is satisfied that these can be controlled through management measures. The proposal does not warrant refusal for this issue.
Visual impact	Concern was raised that the catering toilets and car parking would be in direct view.	The nearest residence to the site is approximately 400 metres away. The applicant is prepared to plant a vegetation screen to reduce visual impacts and move certain facilities to reduce any likely on going issues in this regard. The proposal does not warrant refusal for this issue.
Time Limit	Concern was raised that the development should be limited to six months.	The proposed development is for a period ending in June 2004. The development consent can be time limited in this regard. The proposal before Council is not for a six months development and as such it is considered unreasonable to limit the development to such when the proposal can be controlled by environmental management plans to minimise impacts. The proposal does not warrant refusal for this

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

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(e) Public interest

The proposed development is not considered to be in conflict with the general public interest. The proposal is temporary in nature and as such will be remediated upon completion of the project. This will be of benefit to the natural environment on the subject land.

The proposed development is envisaged to have short term impacts that can be controlled through an environmental management plan. Given the applicants experience in these control measures it is considered that the development will be able to be undertaken with minimal impact to the general public interest in the locality.

CONCLUSION

The subject land is considered to be suitable for the proposed development. The environmental attributes of the site have made it desirable as a location for the proposed filming. These attributes are valued by the applicant and as such will be protected through environmental management measures within a plan for the site.

The remediation of the land following completion of the development will be of benefit. It is considered that the addition of activity in the Dungay Creek area will be able to be undertaken in a manner to limit nuisance to other residences.

RECOMMENDATION:

That Development Application DA02/1983 for the use of property for filming and producing a television program at Part Lot 74 DP 755715, Lot 77 DP 755715, Lot 93 DP 755715, No. 366 Dungay Creek Road Dungay be approved, subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects; Drawing No 34504 prepared by Brown and Haan Surveyors and dated 27/11/2002; Drawing No 34505 prepared by Brown and Haan Surveyors; Plans No A1219 prepared by Edwin Shirley Stage Australia Pty Ltd dated 28/11/2002; Plan No A1-221102 Sheets 1 & 2 prepared by Richard Harry Engineering Services and dated 11/2002; Plan No 232311 prepared by Waco Kwikform and dated 26/11/2002, except where varied by these conditions.

[GEN0010]
2. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

- (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
- [GEN0150]
3. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
- a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - right of carriageway
- . . . **Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.
- [GEN0140]
4. The recommendations as provided with the Flora and Fauna Report dated 2002 prepared by consultant Peter Parker shall be implemented.
- [GENNS01]
5. The proposed development shall comply with the Planning for Bushfire Guidelines and the Rural Fires Act 1997 and other relevant legislation concerning bushfire.
- [GENNS02]
6. A vegetation screen shall be provided to Lot 74 DP 755715 to screen the property from adjoining residences to the south.
- [GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all structures, prior to the issue of a construction certificate.

[PCC0170]

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

8. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of a Right of Carriageway from Dungay Creek Road to the proposed dwelling site on Lot 77. The right of carriageway shall be formed, drained and gravelled to 100 millimetres thickness x 3.6 metres wide for the full length

[PCC0180]

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

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

The bond will be refunded, if not expended, when final productions cease.

[PCC0080]

10. 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]

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

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be
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AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

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]

12. A flood contingency plan shall be submitted and approved addressing the following matters:

Adequacy of shelter; waste storage and food distribution arrangements to meet minimum standards should access be restricted with a flood event.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

13. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

14. 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]

15. 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]

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

16. Prior to the commencement of work the applicant shall submit to Council a Bushfire Safety Management Plan. The plan is to detail evacuation and associated procedures in the event of a potential bushfire.

[PCWNS01]

17. Council's Environmental and Health Services Unit shall be notified twenty-four(24) hours prior to commencement of operations of any food premises.

18. Further approvals shall be gained from the Director Environment and Community Services for the installation and operation of any waste treatment device or human waste storage facility prior to commencement of operations. Application for any such device or facility shall be submitted to Council and approval granted prior to installation.

[PCWNS02]

DURING CONSTRUCTION

19. 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]

20. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. footings, prior to pouring of concrete
- b. completion of work

[DUR0170]

21. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.

[DUR0260]

22. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.

[DUR0280]

23. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

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

- * 50⁰C in all other classes of buildings.
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AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR1160]

24. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- [DUR1200]
25. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
- [DUR0620]
26. 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]
27. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
- [DUR0880]
28. 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.
- [DUR0900]
29. 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:
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AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0910]

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

[DUR0920]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. 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]

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

[POC0050]

33. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structures.

[POC0060]

USE

34. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the NSW Food Act 1989 and Australia New Zealand Food Standards Code.

[USENS01]

35. any Premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the NSW Food Act 1989 and Australia New Zealand Food Standards Code.

36. Any food premises shall be subjected to routine inspections as per Council's Food Premises Inspection Program and required to pay the nominated fee.

[USENS02]

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

37. The use of a helicopter in association with any activity of this approval is not permitted without the prior approval of the Director Environment & Community Services.
38. Adequate storage of an on-site potable water supply shall be provided at all times.
39. All solid waste shall be appropriately and securely stored on-site, to the satisfaction of the Director Environment and Community Services, prior to disposal at an approved landfill facility.

[USENS03]

40. 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]

41. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0220]

GENERAL TERMS OF APPROVAL

PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948

42. Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.
43. Wherever possible, rocks and timber material shall be moved around within the site to create the desired water feature effect rather than removed from the actual site to create the effect.
44. Any logs, snags or other material which are removed from the area of works shall be relocated to an adjacent reach in the creek system and not be removed from the creek system.
45. All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
46. A plaster liner may only be used following direct consultation with and following the inspection of an appropriate DLWC officer.
47. If a plaster liner is to be used it must only be on a temporary basis and must be secured and supervised so it is not able to be washed down the creek in high flows.
48. At the end of filming, the creek and its waterholes (at the sites used) shall be reinstated as well as possible in terms of replacement of rocks and logs to its natural condition and any formed walkway/track created from repeated creek access must be rehabilitated so as not to concentrate runoff and promote erosion.

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

49. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse/foreshore, without the prior issue of a Part 3A permit by DLWC.
50. Prior to the issue of the Part 3A permit the applicant must provide DLWC with the following:
 - A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (1 copy) that satisfy the DLWC's General Terms of Approval and recommendations which are included in the consent conditions; and
 - appropriate permit fee paid to DWLC
51. Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.
52. Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry.
53. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
54. The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
55. The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
56. These conditions are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
57. Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
58. The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
59. The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
60. Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.

AGENDA OF THE DEVELOPMENT ASSESSMENT PANEL

HELD FRIDAY 20 DECEMBER 2002

61. Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
62. Work as executed survey plans of a professional standard shall be provided to DLWC upon request.
63. If, in the opinion of a DLWC officer, any activity is being carried out in such a matter that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
64. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DLWC. If any breach of the permit conditions requires a special site inspection by DLWC, then the permit holder shall pay a fee prescribed by DLWC for this inspection and all subsequent breach inspections.
65. If works are to cease prior to completion DLWC must be notified in writing one month in advance of the cessation of the operation.

GENERAL TERMS OF APPROVAL UNDER SECTION 201 OF THE FISHERIES MANAGEMENT ACT (Permit To Carry Out Dredging Or Reclamation Work)

66. Snags (ie large woody debris such as old tree branches) that are removed from water holes are to be stored above the high banks of the creek and at the completion of the project returned to their original location in water holes.
67. That a permit for dredging and reclamation under section 198-202 of the Fisheries Management Act 1994 be sought if the works to remove rocks from pools is not undertaken under a 3A permit issued under the Rivers and Foreshores Improvement Act 1948.
68. That the rearrangement of rocks not be positioned in such a manner as to obstruct the free movement of fish through the site upstream or downstream.



**TWEED
SHIRE
COUNCIL**

Please Quote Council Ref: DA02/1983.10 DA02/1983

13507

Your Ref No:

For Enquiries Please Contact: Denise O'Brien

Telephone Direct (02) 6670 2459

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13 October 2006

Granada Productions Pty Ltd
C/- Jim Glazebrook & Associates
PO Box 827
MURWILLUMBAH NSW 2484

Dear Sir/Madam

Section 96 Application DA02/1983.10 - amendment to Development Consent DA02/1983 for the use of property for filming and producing a television program at Lot 74, 77, 93 DP 755715, ; Dungay Creek Road Dungay

I refer to your application regarding the above and enclose herewith Amended Consent DA02/1983. The consent has been amended as follows: -


Amend Condition 1A in the following terms:-

- 1A. The development shall be completed in accordance with the Statement of Environmental Effects; Drawing No 34504 prepared by Brown and Haan Surveyors and dated 27/11/2002; Drawing No 34505 prepared by Brown and Haan Surveyors; Plans No A1219 prepared by Edwin Shirley Stage Australia Pty Ltd dated 28/11/2002; Plan No A1-221102 Sheets 1 & 2 prepared by Richard Harry Engineering Services and dated 11/2002; Plan No 232311 prepared by Waco Kwikform and dated 26/11/2002, except as amended by Drawing No.20345 Sheets 1 to 5 prepared by Brown and Haan and dated 26/2/2003; Plans and documentation prepared by Richard Harry Engineering Services dated 3/2/2003. Where amended the development shall be completed in accordance with Plan No.20345 Dwg 345C6 prepared by Brown and Haan dated 22/9/2003, and plans and documentation prepared by Richard Harry Engineering Services Pty Ltd dated 23/9/2003 and remediation of the site is to occur upon completion, except where varied by these conditions. **Where amended the development shall be undertaken in accordance with Sheet Nos. 2,3 & 4 of Site Plan 20345 prepared by Brown & Haan Surveyors, Floor Plan Nos. B12052-01 & B12052-02, 4034531, BH5-1230, MP3630, 4036921_1, 4044234-01 and 4044417_01 prepared by Ausco Building Systems and submitted with the amendment application dated 9 September 2006.**

Yours faithfully

Garry Smith
Manager Development Assessment

Enc

 CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

AMENDED CONSENT ISSUED 13/10/2006

NOTICE NO. DA02/1983

TWEED SHIRE COUNCIL

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

To: Granada Productions Pty Ltd
C/- Jim Glazebrook & Associates Pty Ltd
PO Box 827
Murwillumbah NSW 2484

Pursuant to Section 81(1)(a) of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA02/1983** relating to land described as:-

**Part Lot 74 DP 755715
Lot 77 DP 755715
Lot 93 DP 755715
No. 366 Dungay Creek Road
Dungay**

to be developed in accordance with plans and details submitted for the purpose of –

USE OF PROPERTY FOR FILMING AND PRODUCING A TELEVISION PROGRAM

The Development Application has been determined by the granting of consent subject to the conditions described below:-

GENERAL

1. Deleted.

- 1A. The development shall be completed in accordance with the Statement of Environmental Effects; Drawing No 34504 prepared by Brown and Haan Surveyors and dated 27/11/2002; Drawing No 34505 prepared by Brown and Haan Surveyors; Plans No A1219 prepared by Edwin Shirley Stage Australia Pty Ltd dated 28/11/2002; Plan No A1-221102 Sheets 1 & 2 prepared by Richard Harry Engineering Services and dated 11/2002; Plan No 232311 prepared by Waco Kwikform and dated 26/11/2002, except as amended by Drawing No.20345 Sheets 1 to 5 prepared by Brown and Haan and dated 26/2/2003; Plans and documentation prepared by Richard Harry Engineering Services dated 3/2/2003. Where amended the development shall be completed in accordance with Plan No.20345 Dwg 345C6 prepared by Brown and Haan dated 22/9/2003, and plans and documentation prepared by Richard Harry Engineering Services Pty Ltd dated 23/9/2003 and remediation of the site is to occur upon completion, except where varied by these conditions. **Where amended the development shall be undertaken in accordance with Sheet Nos. 2,3 & 4 of Site Plan 20345 prepared by Brown & Haan Surveyors, Floor Plan Nos. B12052-01 & B12052-02, 4034531, BH5-1230, MP3630, 4036921_1, 4044234-01 and 4044417_01 prepared**

by Ausco Building Systems and submitted with the amendment application dated 9 September 2006.

[GEN0010]

2. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

[GEN0150]

3. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - right of carriageway
 - **Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[GEN0140]

4. **DELETED**

- 4a. The recommendations as provided with the Flora and Fauna Report dated 2002 and where amended by report dated September 2003 prepared by consultant Peter Parker shall be implemented.

Any removal or relocation of fauna on the property shall only be undertaken in accordance with the requirements of NSW National Parks and Wildlife Service. No planting of exotic species or weeds is to occur on the site. Only existing vegetation should be used.

5. The proposed development shall comply with the Planning for Bushfire Guidelines and the Rural Fires Act 1997 and other relevant legislation concerning bushfire.

[GENNS02]

6. A vegetation screen shall be provided to Lot 74 DP 755715 to screen the property from adjoining residences to the south.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all structures, prior to the issue of a construction certificate.

[PCC0170]

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

- i. Construction of a Right of Carriageway from Dungay Creek Road to the proposed dwelling site on Lot 77. The right of carriageway shall be formed, drained and gravelled to 100 millimetres thickness x 3.6 metres wide for the full length

[PCC0180]

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

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

The bond will be refunded, if not expended, when final productions cease.

[PCC0080]

10. 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]

11. 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]

12. A flood contingency plan shall be submitted and approved addressing the following matters:

Adequacy of shelter; waste storage and food distribution arrangements to meet minimum standards should access be restricted with a flood event.

[PCCNS01]

12A. Deleted

PRIOR TO COMMENCEMENT OF WORK

13. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act, which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

14. 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]

15. 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]

16. Prior to the commencement of work the applicant shall submit to Council a Bushfire Safety Management Plan. The plan is to detail evacuation and associated procedures in the event of a potential bushfire.

[PCWNS01]

17. Council's Environmental and Health Services Unit shall be notified twenty-four(24) hours prior to commencement of operations of any food premises.
18. Further approvals shall be gained from the Director Environment and Community Services for the installation and operation of any waste treatment device or human waste storage facility prior to commencement of operations. Application for any such device or facility shall be submitted to Council and approval granted prior to installation.

[PCWNS02]

DURING CONSTRUCTION

19. 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]

20. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. completion of work

[DUR0170]

21. Deleted.

- 21A. Access to the building for disabled persons shall be provided within seven days if there is employment of a person with a disability.

[DUR0260]

22. Deleted.

- 22A. If access for the disabled is required facilities for the use of the disabled shall be provided as specified in the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.

[DUR0280]

23. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR1160]

24. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

[DUR1200]

25. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

[DUR0620]

26. 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]

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

[DUR0880]

28. 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.

[DUR0900]

29. All reasonable steps shall be taken to muffle and acoustically baffle all plant and

equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0910]

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

[DUR0920]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. 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]

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

[POC0050]

33. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structures.

[POC0060]

USE

34. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the NSW Food Act 1989 and Australia New Zealand Food Standards Code.

[USENS01]

- 34A. Prior to the commencement of any productions after 31 December 2005, a Site Management Plan is to be prepared by the applicant and approved by the Director, Planning and Development that addresses, but not limited to the following: -

- (i) Traffic to and from the site as well as within the site
- (ii) Noise associated with the production
- (iii) Night time lighting
- (iv) Hours of use of the site

- (v) Use of helicopters
- (vi) Removal of solid waste from the site
- (vii) The extent of notification of the event to affected residents as required by condition 34C

34B. Prior to the commencement of any productions after 31 December 2005, a Community Liaison Committee is to be established by Council that consists of a representative of the local community, a representative of Granada Productions Pty Ltd, representatives from Council's Planning and Development Division, Environment and Community Services Division and Engineering and Operations Division. This Committee shall monitor the performance of the Management Plan referred to in Condition 34A.

34C. A community liaison officer and community contact phone number shall be available on a 24 hour basis on the days of the production (including 24 hours pre and post the commencement of the production). Details of the name of the contact person and the contact telephone number must be provided to Council, locally advertised a minimum of fourteen (14) days prior to the commencement of production and affected residents notified of these details by means of an individual letter drop to each household.

35. Any food premises shall be subjected to routine inspections as per Council's Food Premises Inspection Program and required to pay the nominated fee.

[USENS02]

36. The use of a helicopter in association with any activity of this approval is not permitted without the prior approval of the Director Environment & Community Services.

37. Adequate storage of an on-site potable water supply shall be provided at all times.

38. All solid waste shall be appropriately and securely stored on-site, to the satisfaction of the Director Environment and Community Services, prior to disposal at an approved landfill facility.

[USENS03]

39. 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]

40. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0220]

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

[USE0200]"

42. The artificial ponds are to be removed and the sites rehabilitated to the satisfaction of DECS within one month of decommissioning of the camp site and film production activities.
43. No waters, other than natural stormwaters shall be used to fill or maintain pond levels without the prior written approval of the Director of Environment and Community Services.
44. The construction ongoing maintenance and decommissioning activities of the artificial ponds shall ensure that no pollutants solid or liquid are permitted to be washed downstream into the creek.

44B. Deleted.

GENERAL TERMS OF APPROVAL

PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948

45. Prior to the issuing of the 3A permit, the applicant must present certification to the Department of Land and Water Conservation, from a qualified engineer, which supports the design and construction of the lined pools. This must also address the spillway design and state that the structures are capable of withstanding the forces that are expected to be exerted upon them in times of high flow.
46. Prior to the issuing of the 3A permit, the applicant must present a report to the Department of Land and Water Conservation, from a suitably qualified botanist or ecologist, which indicates that the vegetation which is encased or confined by the liner structures in the creek will not be detrimentally affected in any way.
47. The lined pools must be removed from the site **immediately** following filming of the second series of the production and the site restored to its natural state **unless** the filming of the third series will commence within four weeks of the end of the filming of the second series. If the break in filming between two series is greater than four weeks, the pools may be partially removed or modified to allow normal stream processes to occur. If the pools are removed, new pools of the same design may be located at the same location of the original lined pools, prior to the filming of another series, within the duration of the 3A permit. If the pools have been modified to allow for stream processes between filming, they may be reconstructed but must be of the same certified (engineered) design.
48. Immediately following the filming of the last series the sites are to be restored back to their natural state. This must include (but is not limited to): removal of all liner material including dust and waste, removal off site of all rock imported for the construction of the pool walls, revegetation of any disturbed soil areas with appropriate local native riparian vegetation.
49. Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing degradation of the stream bed or banks.
50. Wherever possible, rocks and timber material shall be moved around within the site to create the desired water feature effect rather than removed from the actual site to create the effect.

51. Any logs, snags or other material which are removed from the area of works shall be relocated to an adjacent reach in the creek system and not be removed from the creek system.
52. All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
53. An artificial liner may only be used following direct consultation with appropriate DLWC officer.
54. If an artificial liner is to be used it must only be on a temporary basis and must be secured and supervised so it is not able to be washed down the creek in high flows.
55. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse/foreshore, without the prior issue of a Part 3A permit by DLWC.
56. Prior to the issue of the Part 3A permit the applicant must provide DLWC with the following:
 - A copy of Council's development consent including all conditions of approval;
 - Plans and/or other documentation (1 copies) that satisfy the DLWC's General Terms of Approval and recommendations which are included in the consent conditions; and,
57. Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DLWC that will accompany the 3A permit.
58. Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
59. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
60. The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
61. The approval of NSW Fisheries is required for all proposed designs of in-stream works prior to the issue of the Part 3A permit.
62. These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact DLWC's Crown Lands section.
63. Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
64. The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
65. The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.

66. Any Part 3A permit granted is not transferable to any other person or company without the written approval of DLWC and does not authorise works at any other site.
67. Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
68. Work as executed survey plans of a professional standard shall be provided to DLWC upon request.
69. If, in the opinion of a DLWC officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
70. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DLWC. If any breach of the permit conditions requires a special site inspection by DLWC, then the permit holder shall pay a fee prescribed by DLWC for this inspection and all subsequent breach inspections.
71. If works are to cease prior to completion DLWC must to be notified in writing one month in advance of the cessation of the operation.

GENERAL TERMS OF APPROVAL UNDER SECTION 201 OF THE FISHERIES MANAGEMENT ACT (Permit To Carry Out Dredging Or Reclamation Work)

72. Snags (ie large woody debris such as old tree branches) that are removed from water holes are to be stored above the high banks of the creek and at the completion of the project returned to their original location in water holes.
73. That a permit for dredging and reclamation under section 198-202 of the Fisheries Management Act 1994 be sought if the works to remove rocks from pools is not undertaken under a 3A permit issued under the Rivers and Foreshores Improvement Act 1948.
74. That the rearrangement of rocks not be positioned in such a manner as to obstruct the free movement of fish through the site upstream or downstream.
75. That a joint inspection between NSW Fisheries, DLWC and Council be undertaken at the conclusion of the series.
76. That no fish including yabbies be stocked in the pools without the prior approval from NSW Fisheries

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The application was determined on: **20 December 2002**
 The consent to operate from: **20 December 2002**
 The consent to lapse on 1 June 2008 unless commenced prior to that date.
 The consent to expire on 1 June 2008.

Building Code of Australia Building Classification: **5 - Office & 10a - Outbuilding/Shed/Garage**

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the Tweed Shire Council

Garry Smith, Manager Development Assessment
20 December 2002