



MINUTES

PLANNING COMMITTEE MEETING

Thursday 30 October 2008

Chairman: Cr J van Lieshout, Mayor

Councillors: Cr B Longland, Deputy Mayor

Cr D Holdom

Cr K Milne

Cr W Polglase

Cr K Skinner

Cr P Youngblutt

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [PR-PC] Development Application DA07/1329 for an Eleven Storey Mixed Use Development (Comprising Hotel, Shops, Refreshment Room, Tourist Accommodation and Multi-Dwelling Housing) at Lot A DP 332137, No. 21-23 Wharf Street, Tweed Heads

P 3 COMMITTEE DECISION:

**Cr D Holdom
Cr W Polglase**

RECOMMENDED that: -

1. Council assumes the concurrence of the Director General of the Department of Planning in relation to Clause 32B of the North Coast Regional Environmental Plan as it relates to overshadowing.
2. Council assumes the concurrence of the Director General of Department of Planning in relation to Clause 51 of the North Coast Regional Environmental Plan as it relates to buildings greater than 14m in height.
3. Development Application DA07/1329 for an eleven storey mixed use development (comprising hotel, shops, refreshment room, tourist accommodation and multi-dwelling housing) at Lot A DP 332137, No. 21-23 Wharf 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 Plan Nos as follows except where varied by the conditions of this consent;

Level 2 Basement Plan	Turner & Associates Job Number 07021	Plan DA03 Revision D - 22/02/2008
Level 1 Basement Plan	Turner & Associates Job Number 07021	Plan DA04 Revision E - 22/02/2008
Level 00 Floor Plan	Turner & Associates Job Number 07021	Plan DA05 Revision E - 04/12/2007
Level 01 Floor Plan	Turner & Associates Job Number 07021	Plan DA06 Revision D - 03/12/2007
Level 02 Floor Plan	Turner & Associates Job Number 07021	Plan DA07 Revision D - 03/12/2007
Level 03 Floor Plan	Turner & Associates Job Number 07021	Plan DA08 Revision D - 03/12/2007
Level 04 -06 Typical Floor	Turner & Associates Job	Plan DA09 Revision D -

Plan	Number 07021	22/02/2008
Level 07 -08 Typical Floor Plan	Turner & Associates Job Number 07021	Plan DA10 Revision C - 03/12/2007
Level 09 Floor Plan	Turner & Associates Job Number 07021	Plan DA11 Revision C - 03/12/2007
Level 10 Floor Plan	Turner & Associates Job Number 07021	Plan DA12 Revision C - 03/12/2007
Typical Unit Plan	Turner & Associates Job Number 07021	Plan DA13 Revision A - 03/12/2007
Context Elevation Wharf Street	Turner & Associates Job Number 07021	Plan DA20 Revision C - 04/12/2007
Context Elevation Navigation Lane	Turner & Associates Job Number 07021	Plan DA21 Revision B - 03/12/2007
East Elevation Wharf Street	Turner & Associates Job Number 07021	Plan DA22 Revision D - 04/12/2007
South Elevation Through Site Link	Turner & Associates Job Number 07021	Plan DA23 Revision C - 03/12/2007
West Elevation Navigation Lane	Turner & Associates Job Number 07021	Plan DA24 Revision C - 03/12/2007
North Elevation	Turner & Associates Job Number 07021	Plan DA25 Revision C - 03/12/2007
Section AA	Turner & Associates Job Number 07021	Plan DA30 Revision C - 03/12/2007
Section BB	Turner & Associates Job Number 07021	Plan DA31 Revision C - 03/12/2007

The development shall be landscaped in accordance with the following landscaping plans except where amended to include all native species local to this area:

Ground Floor Plan	Aspect Studios Landscape Architecture	Drawing No 27053-L00 Rev C 4/12/2007
Level 1 Floor Plan	Aspect Studios Landscape Architecture	Drawing No 27053-L01 Rev C 4/12/2007
Level 2 Floor Plan	Aspect Studios Landscape Architecture	Drawing No 27053-L02 Rev C 4/12/2007
Level 3 Floor Plan	Aspect Studios Landscape Architecture	Drawing No 27053-L03 Rev C 4/12/2007
Level 10 Floor Plan	Aspect Studios Landscape Architecture	Drawing No 27053-L04 Rev C 4/12/2007

[GEN0005]

2. This development consent has approved:
- 38 Hotel Rooms (tourist accommodation)
 - 36 Tourist Accommodation Apartments;
 - 22 Permanent Accommodation Apartments
 - Retail Space 209m²;

- Tavern 250m²;
- Conference Rooms 643m²;
- 151 Car Parking Spaces in the two tiers of basement (with spaces allocated as follows: 46 residential spaces, 36 tourist accommodation spaces, 38 hotel room spaces, and 31 retail/tavern spaces)

[GEN0005]

3. The tourist accommodation units and hotel units are approved for temporary accommodation only. In this regard a covenant restricting use is to be placed on the title of each tourist and hotel accommodation unit restricting the stay of users within each unit to no more than 40 consecutive days, and no more than 150 days in any 12 month period.

[GEN0005]

4. All waste storage areas are to be designed and installed in accordance with Council's Code for Storage & Disposal of Garbage and Other Solid Wastes.

[GEN0005]

5. The proposed retail first uses, and any advertising signage (not building identification signs previously approved) must be the subject of a separate development consent, where statutorily required. The use of the retail space is to be approved by Council prior to their use or occupation.

[GEN0035]

6. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]

7. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

8. 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]

9. 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 the road reserve or footpath for the "dining blister" for dining purposes. 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.

[GEN0245]

10. All signage is subject to a separate Development Application being submitted to and approved by Council.

[GENNS01]

11. Prior to the use of the building for the purposes of providing public entertainment; the applicant is to obtain approval as required by the Environmental Planning and Assessment Act 1979 from Council in respect of the activity; *use of a building as a place of public entertainment* in the prescribed manner. Should it be intended to use the building as a place of public entertainment the building should be designed to satisfy the *place of public entertainment* requirements of the BCA inclusive of the NSW amendments

[GENNS02]

12. All de-watering operations shall be carried out in accordance with the provisions of the De-Watering Management Plan dated July 2008 prepared by Precise Environmental Pty Ltd.
13. A copy of the De-Watering Management Plan dated July 2008 prepared by Precise Environmental Pty Ltd shall be provided to the site manager, project manager and all other persons provided with responsibilities under the provisions of the De-Watering Management Plan. In addition a copy of the De-Watering Management Plan shall be kept on the site while de-watering operations are being carried out.
14. The names and 24 hour contact phone numbers of the site manager, project manager and all other persons provided with responsibilities under the provisions of the De-Watering Management Plan dated July 2008 prepared by Precise Environmental Pty Ltd shall be provided to Council's Environmental Health Officer prior to the commencement of de-watering operations.
15. Prior to the commencement of de-watering operations an examination of the quantity of pre-existing sediment within the stormwater drainage network that is intended to receive the de-watering discharge shall be undertaken by methods considered acceptable to Council's Stormwater Maintenance Engineer. A report of the findings of the examination shall be provided to Council's Stormwater Maintenance Engineer prior to the commencement of de-watering operations.
16. Prior to the commencement of de-watering operations the applicant or their nominated representative shall consult with Council's Stormwater Maintenance Engineer in respect to the most appropriate method of connection of the de-watering system to Council's stormwater drainage system. The applicant or their nominated representative shall comply with any and all directions as may be provided by Council's Stormwater Maintenance Engineer.
17. Prior to the commencement of any de-watering discharge from the site, a report representing the quality of the groundwaters intended to be discharged shall be provided to Council's Environmental Health Officer. This report shall provide results from a NATA accredited laboratory on the following parameters, pH, Dissolved Oxygen, Suspended Solids, Turbidity, Ammonia, Chromium, Copper, dissolved Aluminium and Lead.

18. The applicant or their nominated representative shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and all representatives involved in the de-watering operations including consultants and personnel responsible under any approved De-Watering Management Plan. Such site inspection shall be arranged and carried out prior to the commencement of any de-watering operations.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

19. Pursuant to Section 80A(1)(B) of the Environmental Planning and Assessment Act, 1979 (as amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 all prior development approvals over the site (specifically but not limited to DoP 62-2-2003) shall be surrendered by lodgement of the prescribed information suitably executed, PRIOR to the issue of a Construction Certificate/Subdivision Certificate.

[PCC0005]

20. The developer shall provide 151 parking spaces including parking for the disabled in accordance with the approved plans and Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. The parking should be allocated as follows:

- 46 residential spaces (including 1 car wash bay);
- 36 tourist accommodation spaces
- 38 hotel room spaces;
- 31 retail/tavern spaces.

Please note that residential tandem spaces are to be allocated to the same strata unit.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0065]

21. 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, be accompanied by the required attachments and prescribed fee.

Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

22. 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:		
499.54 Trips @ \$596		\$297,726
S94 Plan No. 4		
Sector1_4		
(b) Open Space (Casual):		
28.1464 ET @ \$570		\$16,043
S94 Plan No. 5		
(c) Open Space (Structured):		
16.182 ET @ \$653		\$10,567
S94 Plan No. 5		
(d) Shirewide Library Facilities:		
13.3902 ET @ \$688		\$9,212
S94 Plan No. 11		
(e) Bus Shelters:		
13.5388 ET @ \$26		\$352
S94 Plan No. 12		
(f) Eviron Cemetery:		
14.114 ET @ \$131		\$1,849
S94 Plan No. 13		
(g) Emergency Facilities (Surf Lifesaving):		
55.675 ET @ \$200		\$11,135
S94 Plan No. 16		

- (h) Extensions to Council Administration Offices
& Technical Support Facilities
50.9283 ET @ \$1996.8 \$101,693.63
S94 Plan No. 18
- (i) Cycleways:
38.7117 ET @ \$352 \$13,627
S94 Plan No. 22
- (j) Casual Open Space:
38.3236 ET @ \$855 \$32,767
S94 Plan No. 26
- (k) Structured Open Space:
13.3792 ET @ \$2327 \$31,133
S94 Plan No. 26
- (l) Tweed Heads Master Plan:
85 MDU @ \$1047 \$88,995.00
S94 Plan No. 27

[PCC0215/PSC0175]

23. 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: 33.93116 ET @ \$10346.9 \$351,082.30

Sewer Tweed Heads: 50.8549 ET @ \$4972.1 \$252,855.60

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]

24. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 2.6m AHD in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. This immunity shall be provided at all accesses including external stairs to the basement car park. The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (onsite and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.

Installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 *"National Plumbing and Drainage – Part 3.2: Stormwater Drainage – Acceptable Solutions"*

[PCC0685]

25. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements.

[PCC0735]

26. 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 and 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]

27. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works

- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

28. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

[PCC0955]

29. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]

30. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

31. 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]

32. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

33. Prior to the issue of any Construction Certificate, details of the location of any proposed off site deposition site for the treatment of Acid Sulfate Soils are to be provided to Council's Environmental Health Officer. If the proposed site is not within NSW or lies outside of Tweed Shire then confirmation of acceptance of the Acid Sulfate Soil material from the relevant Local Government or State Authority for the proposed site is to be provided to Council's Environmental Health Officer. The applicant or their nominated representative shall confirm in writing that the proposed deposition site has sufficient area available for the treatment of the Acid Sulfate Soil material including the installation of catch ponds and other treatment devices if required. The applicant shall ensure that they have obtained any required Development Approvals or other appropriate consent(s) in respect to the use of the deposition site such purpose.

34. The name and 24 hour phone numbers of the person responsible for ensuring that the Acid Sulfate Soils material has been appropriately managed and treated in accordance with the provisions of the Acid Sulfate Soil Management Plan prepared by Soil Surveys Engineering Pty Ltd Job No: 202-3643-A Ref: 3643R dated 17 October 2002 shall be provided to Council's Environmental Health Officer. Such responsible person shall provide written evidence to Council's Environmental Health Officer following the completion of the Acid Sulfate Soil treatment process that the Acid Sulfate Soils have been treated and are suitable for any proposed further use prior to the removal of the treated material from the treatment site or use on the treatment site.
35. Prior to the issue of any Construction Certificate a detailed explanation is to be provided to Council's Environmental Health Officer as to how the recommendation as contained within Section 7.1.1 of the Acid Sulfate Management Plan prepared by Soil Surveys Engineering Pty Ltd Job No: 202-3643-A Ref: 3643R dated 17 October 2002 will be carried out so as to ensure the separation of the various substrata is achieved to enable appropriate management of any Acid Sulfate Soil material.
- [PCCNS01]
36. Prior to the issue of a Construction Certificate an Operational Noise Investigation Report prepared by a qualified Acoustic Consultant shall be submitted to the satisfaction of the Principal Certifying Authority in respect to noise from the operations of the Tavern and Hotel. Such Report shall include but not be limited to the following:- noise from any amplified music from the Tavern or the Hotel, patron activities, the need for any sound shell attenuation for the Tavern or Hotel, noise from the operation of the loading docks, waste rooms (including the residential waste room), garbage rooms, mechanical plant and equipment (including the swimming pool pump).The Report shall include any recommendations for noise attenuation in order to prevent the occurrence of offensive or intrusive noise. The applicant shall comply with all recommendations of the Report.
- [PCCNS02]
37. Prior to the issue of a construction certificate the applicant is to submit to Council for approval detailed plans including turning templates for the provision of loading bays and service areas. The details shall demonstrate service vehicles can access the site via Navigation Lane from Stuart Street and exit the site in a forward direction following the same path. Note: Through traffic movements along Navigation Lane is restricted south of the site.

PRIOR TO COMMENCEMENT OF WORK

38. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

39. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

40. 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]

41. 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]

42. 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]

43. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) 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]

44. 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]

45. 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]

46. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
- (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

47. 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.

This sign is to remain in position for the duration of the project.

[PCW0985]

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

[PCW1005]

49. 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]

50. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCW1075]

51. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.

[PCW1105]

52. Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Principal Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources;
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment;
- (3) The construction noise objective specified in the conditions of this consent;
- (4) Determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (5) Noise and vibration monitoring, reporting and response procedures;
- (6) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions;
- (7) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction;

- (8) Justification of any proposed activities outside the construction hours specified in the conditions of this consent;
- (9) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency;
- (10) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration;
- (11) Contingency plans to be implemented in the event of non-compliances and/or noise complaints;

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

- 54. 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]

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

- A. Short Term Period - 4 weeks.

L_{Aeq} 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.

L_{Aeq} 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]

- 56. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

57. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Councils General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Councils General Manager or his delegate prior to installation and shall include a water sampling outlet.

[DUR0235]

58. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

59. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.

[DUR0255]

60. 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]

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

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

[DUR0385]

62. 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]

63. 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]

64. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[DUR0415]

65. Excavation

- (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]

66. 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]

67. 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 NSW, Occupational Health and Safety Regulation 2001.

[DUR0645]

68. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

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

[DUR0815]

70. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

71. 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]

72. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or 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]

73. 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]

74. All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared by Soil Surveys Engineering Pty Ltd Job No: 202-3643-A Ref: 3643R dated 17 October 2002.

[DUR1065]

75. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material E.g. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 metres above the floor. The floor/ wall junction shall be coved to the satisfaction of Council's Environmental Health Officer.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish from the floor surface up to the underside of the ceiling or where permitted from the top of any bench or fitting permanently fixed to the wall.

Metal stud wall framing in lieu of timber framing shall be used in wet areas or where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

76. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
- [DUR1505]
77. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.
- [DUR1515]
78. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
- [DUR1545]
79. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.
- [DUR1565]
80. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be installed in accordance with the requirements of Part 2, Clauses 6, 7 and 8 of the Public Health (Microbial Control) Regulation 2000.
- [DUR1645]
81. 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]
82. 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]
83. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
84. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.
- [DUR1965]
-

85. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2007. (Refer Council's web site www.tweed.nsw.gov.au)
 - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
- [DUR2075]
86. 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]
87. Appropriate measures are to be put in place during the construction and/or demolition 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]
88. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
- [DUR2475]
89. 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]
90. 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]
91. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]

92. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

93. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

94. 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]

95. 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]

96. 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.

[DUR2555]

97. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR2595]

98. 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]

99. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

100. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

101. Hourly inspections extending over a 24 hour period of the stormwater discharge network that is receiving de-watering discharge shall be undertaken at the responsibility of the project manager during rainfall events. The provisions of Section 6.3 of the De-Watering Management Plan dated July 2008 prepared by Precise Environmental Pty Ltd shall be implemented where exceedance of the capacity of the receiving stormwater network is likely to result.
102. The frequency of the monitoring regime for the various parameters as listed within Section 7.6.3, Table 7.6.3 of the De-Watering Management Plan dated July 2008 prepared by Precise Environmental Pty Ltd shall be increased at the direction of Council's Environmental Health Officer.
103. All water quality monitoring reports prepared under the provisions of Section 7.6.4 of the De-Watering Management Plan dated July 2008 prepared by Precise Environmental Pty Ltd shall be made available to Council's Environmental Health Officer upon request.

[DURNS01]

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

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

105. 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]

106. 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]

107. 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.

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]

108. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

109. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

110. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.

[POC0625]

111. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

112. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

113. 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]

114. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

USE

115. 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, odours or the like.

[USE0125]

116. The L_{Aeq} noise level emitted from the premises shall not exceed the background noise level (L_{Aeq}) 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.

[USE0165]

117. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

118. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

119. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of offensive, or intrusive noise to any occupant of neighbouring or adjacent premises.

[USE0235]

120. A Post Construction Noise Assessment Report from a suitably qualified acoustic consultant shall be prepared and submitted to the satisfaction of the General Manager or his delegate and the Principal Certifying Authority in respect to noise likely to be generated by the activities associated with the Hotel and Tavern and other areas associated with the Development subject of the Operational Noise Investigation Report.

The assessment report shall include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation of the Hotel and Tavern.

The applicant shall carry out any such recommendations as provided within the noise assessment report to the satisfaction of the General Manager or his delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or his delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or his delegate.

[USE0295]

121. Any premises used for the storage, preparation or sale of food are to comply with the Food Act 2003, FSANZ Food Safety Standards, AS 4674-2004 Design, Construction and Fit-out of Food Premises and other requirements of Council's Environmental Health Officer as may be directed.

[USE0835]

122. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

123. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be operated in accordance with the requirements of Part 3, Clause 9 of the Public Health (Microbial Control) Regulation 2000.

[USE0935]

124. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be maintained in accordance with the requirements of Part 4, Clauses 11, 12 and 13 of the Public Health (Microbial Control) Regulation 2000, and a certificate to confirm that the regulated system is being maintained shall be submitted to Council on a 12 Monthly basis.

[USE0945]

125. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* and the current NSW Health Public Swimming Pool and Spa Pool Guidelines.

[USE0985]

126. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
- (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.

[USE1295]

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

[USE1305]

128. Collection of waste is to occur in between the hours of 7.00am and 8.00pm.

[USENS01]

129. The hours of operation of the Tavern and Hotel shall comply with any recommendations of the Operational Noise Investigation Report or the Post Construction Noise Assessment Report and in any case shall be to the satisfaction of Council's General Manager or his Delegate.

[USENS02]

GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912

General Conditions (all approvals)

The purposes of these conditions are to:

- Define certain terms used in other conditions
- Specify the need to obtain a license, permit or authority before commencing any works
- Specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- Require existing approvals to be cancelled or let lapse when a license is issued (if applicable)
- Require the safe construction and operation of all works
- Require the use of appropriate soil conservation measures
- Limit vegetation destruction or removal to the minimum necessary
- Require the separate authorisation of clearing under the NVC Act
- Allow conditions to be imposed for management of fuel (petroleum)

In the following conditions relating to an approval under the Water Act 1912;

‘the department’ means the department administering the Water Act 1912;

‘approval’ means a license, permit, authority or approval under that Act;

‘river’ has the same meaning as in Section 5 of the Water Act 1912;

‘work’ means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;

‘controlled work’ means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912

Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

When the department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry or sediments into any river, lake, waterbody, wetland or groundwater system.

The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.

The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

Conditions of water use (including irrigation)

The purpose of these conditions are to:

- Allow the department to obtain an accurate measure of water use where necessary
- Specify the purpose(s) for which the water may be used
- Specify conditions to protect water quality and the environment
- Specify the maximum rate that water may be taken from the water source
- Specify the limitations of when water may be taken from the water source
- Ensure proper management of tailwater drainage
- Ensure accessions to groundwater systems are restricted

If and when required by the department, suitable devices must be installed to accurately measure the quality of water extraction or diverted by the works.

All water measuring equipment must be adequately maintained. It must be tested as and when required by the department to ensure its accuracy.

The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

Conditions for bores and wells

See also 'general conditions' and 'conditions for water use'

The purpose of these conditions are to:

- Set a limited period bore construction
- Require the bore to be properly completed and sealed
- Require certain information to be provided on completion of the work, including a location plan

- Allow DWE access for inspection and testing
- Specify procedures if saline or polluted water found
- Specify a volumetric allocation for the works purpose
- Allow DWE to alter the allocation at any time

Works for construction of bore must be completed with such period as specified by the department.

Within two months after the works are completed the department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.

Officers of the department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.

Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that watercourse.

The department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

- (1) THE LICENSEE MUST ALLOW AUTHORISED OFFICERS OF THE DEPARTMENT OF WATER AND ENERGY, AND ITS AUTHORISED AGENTS REASONABLE ACCESS TO THE LICENSED WORKS WITH VEHICLES AND EQUIPMENT AT ANY TIME FOR THE PURPOSES OF:
 - INSPECTING THE SAID WORK
 - TAKING SAMPLES OF ANY WATER OR MATERIAL IN THE WORK AND TESTING THE SAMPLES.
- (2) THE LICENSEE SHALL WITHIN 2 WEEKS OF BEING NOTIFIED INSTALL TO THE SATISFACTION OF THE DEPARTMENT OF WATER & ENERGY IN RESPECT OF LOCATION, TYPE AND CONSTRUCTION AN APPLIANCE(S) TO MEASURE THE QUANTITY OF WATER EXTRACTED FROM THE WORKS. THE APPLIANCE(S) TO CONSIST OF EITHER A MEASURING WEIR OR WEIRS WITH AUTOMATIC RECORDER, OR METER OR METER(S) OF MEASUREMENT AS MAY BE APPROVED BY THE DEPARTMENT OF WATER & ENERGY. THE APPLIANCE(S) SHALL BE MAINTAINED IN GOOD WORKING ORDER AND CONDITION. A RECORD OF ALL WATER EXTRACTED FROM THE WORKS SHALL BE KEPT AND SUPPLIED TO THE DEPARTMENT OF WATER & ENERGY UPON REQUEST. THE LICENSEE WHEN REQUESTED MUST SUPPLY A TEST CERTIFICATE AS TO THE ACCURACY OF THE APPLIANCE(S) FURNISHED EITHER BY THE MANUFACTURER OR BY SOME PERSON DULY QUALIFIED.

- (3) THE AUTHORISED WORK SHALL NOT BE USED FOR THE DISCHARGE OF POLLUTED WATER INTO A RIVER OR LAKE OTHERWISE THAN IN ACCORDANCE WITH THE CONDITIONS OF A LICENCE GRANTED UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997. A COPY OF THE LICENCE TO DISCHARGE IS TO BE PROVIDED TO THE DEPARTMENT OF WATER & ENERGY.
- (4) THE TERM OF THIS LICENCE SHALL BE SIX (6) MONTHS.
- (5) THE VOLUME OF GROUNDWATER EXTRACTED FROM THE WORK AUTHORISED BY THIS LICENCE SHALL NOT EXCEED 10 MEGALITRES FOR THE TERM OF THE LICENCE.
- (6) THE AUTHORISED WORK SHALL NOT BE USED FOR THE DISCHARGE OF WATER UNLESS THE PH OF THE WATER IS BETWEEN 6.5 AND 8.5, OR THE WATER HAS BEEN TREATED TO BRING THE PH TO A LEVEL BETWEEN 6.5 AND 8.5 PRIOR TO DISCHARGE, OR THE WATER IS DISCHARGED THROUGH THE COUNCIL'S SEWERAGE TREATMENT SYSTEM.
- (7) THE LICENSEE SHALL TEST THE PH OF ANY WATER EXTRACTED FROM THE WORK PRIOR TO THE COMMENCEMENT OF DISCHARGE AND AT LEAST TWICE DAILY THEREAFTER AND RECORD THE DATE, TIME AND RESULT OF EACH TEST IN THE SITE LOG. A COPY OF THE RECORDS OF THE PH TESTING IS TO BE RETURNED WITH THE FORM 'AG'.
- (8) THE WORKS SHALL BE MANAGED IN ACCORDANCE WITH THE CONSTRAINTS SET OUT IN THE DEWATERING MANAGEMENT PLAN PREPARED BY PRECISE ENVIRONMENTAL AND DATED JULY 2008.

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

P 4 COUNCIL DECISION:

Cr J van Lieshout

Cr W Polglase

RESOLVED that Standing Orders be suspended to deal with Item 3 of the Planning Agenda due to the number of speakers on this item and public gallery interest in this item.

FOR VOTE - Unanimous

P3 [PR-PC] Residential and Tourist Code - Section A1 of Tweed DCP - Hastings Point Review

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

Mr John O'Reilly, Hastings Point Progress Association
Ms Trish Mann
Mr Danny Gillies
Mr Mike Allen
Mr Peter Neilson

P 5 COMMITTEE DECISION:

**Cr B Longland
Cr K Milne**

PROPOSED that: -

1. Council adopts the exhibited draft amendments to Section A1 of the Tweed Development Control Plan - Residential and Tourist Code, as it applies to development controls for the Hastings Point area. Further, Council resolves to prepare a new draft DCP extending interim development controls as recommended by Council consultants Ruker Urban Design, to apply to the whole of Hastings Point. Public Notice in accordance with Section 21 of the Environmental Planning Assessment Regulation 2000 of the resolution be notified in the Tweed Link within 28 days of that resolution.
2. A detailed Locality Plan and Development Control Plan be prepared for the Hastings Point locality in a timeframe consistent with Council's Strategic Planning priorities.

AMENDMENT

**Cr W Polglase
Cr D Holdom**

RECOMMENDED that this item be deferred to allow Council officers to include all information in a briefing to Councillors.

The Amendment was **Carried**.

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne

The Amendment on becoming the Motion was **Carried**.

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne

ADJOURNMENT OF MEETING

Adjournment for Community Access at 5.30pm.

RESUMPTION OF MEETING

The Meeting resumed with the suspension of standing orders being continued for the consideration of Item P4 of the Planning Agenda

**P4 [PR-PC] Draft Tweed Local Environmental Plan 2000 Amendment No. 82
- Dwelling Entitlement Lot 2 DP 586869 Cavendish Road, Duroby**

P 6 COMMITTEE DECISION:

**Cr B Longland
Cr W Polglase**

RECOMMENDED that Council:

1. Adopts draft Tweed Local Environmental Plan 2000, Amendment No 82, as exhibited.
2. Obtains any necessary advice from Parliamentary Counsel with respect to the draft Plan and prepare and furnish a section 69 report in respect of the draft *Tweed Local Environmental Plan 2000* (Amendment No. 83), as exhibited, to the Minister, requesting the Plan be made in accordance with Section 70 of the Environmental Planning & Assessment Act 1979.

FOR VOTE - Unanimous

P 7 COMMITTEE DECISION:

**Cr J van Lieshout
Cr W Polglase**

RESOLVED that Standing Orders be resumed.

FOR VOTE - Unanimous

P2 [PR-PC] Unauthorised Works - Development Application DA05/0308 for a Staged Residential Subdivision (3 Stages) Comprising 89 Single Dwelling Lots, 7 Duplex Blocks, 1 Drainage Reserve, 1 Residue Lot & 2 Public Reserves at Lot 13 DP 793985; Lot B DP 368706

P 8 COMMITTEE DECISION:

**Cr K Milne
Cr B Longland**

PROPOSED that Council engages solicitors to commence legal proceedings (for a breach of the Environmental Planning & Assessment Act 1979) in respect of the unauthorised works at Lot 13 DP 793985, Barnby Street, Murwillumbah.

AMENDMENT

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that:-

1. Council resolves to defer Item P2 and asks the applicant to initiate dispersal of the excess site material across the subdivision site.
2. Once the excess material is reduced as much as possible through site dispersal the applicant is requested to lodge a S96 Application and/or Development Application (as statutorily required) to truck the excess material off site.
3. The applicant be required to respond to Council's resolution within 7 days of this meeting and that an appropriate application, either S 96 or Development Application, referred to in Point 2 above, be submitted within 4 weeks of this meeting.

The Amendment was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne

The Amendment on becoming the Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne

P3 Agenda Master (Minutes)

This item was dealt with earlier in the meeting at Minute No P5.

P4 Agenda Master (Minutes)

This item was dealt with earlier in the meeting at Minute No P6.

P 9 COMMITTEE DECISION:

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that the Planning Committee resumes in open Council under the Chairmanship of Cr van Lieshout.

FOR VOTE - Unanimous

