



MINUTES

PLANNING COMMITTEE MEETING

Tuesday 17 February 2009

Mayor: Cr J van Lieshout

**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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IN ATTENDANCE

Cr Joan van Lieshout (Mayor), Cr Barry Longland (Deputy Mayor), Cr Dot Holdom, Cr Katie Milne, Cr Warren Polglase, Cr Phil Youngblutt

Also present were Mr Troy Green (Acting General Manager), Mr Michael Chorlton (Acting Director Technology & Corporate Services), Mr Paul Morgan (Acting Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Maree Morgan (Minutes Secretary).

APOLOGIES

Cr K Skinner

Cr K Skinner informed the General Manager that his absence was caused by attendance at the Floodplain Management Conference being held in Albury.

P 11 COMMITTEE DECISION:

Cr K Milne
Cr D Holdom

RECOMMENDED that the apology of Cr K Skinner be accepted and the necessary leave of absence be granted.

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [PR-PC] Development Application DA08/0841 for a Dwelling & Swimming Pool at Lot 3 DP 253861 No. 49 Elanora Avenue, Pottsville

P 12 COMMITTEE DECISION:

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that: -

1. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.

2. Development Application DA08/0841 for a dwelling & swimming pool at Lot 3 DP 253861, No. 49 Elanora Avenue, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

[GEN0015]

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

[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

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

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

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

PRIOR TO COMMENCEMENT OF WORK

5. 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]

6. 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]

7. 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]

8. 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]

9. 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]

10. 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]

11. 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]

DURING CONSTRUCTION

12. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

13. 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]

14. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

15. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

16. 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]

17. 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]
18. 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]
19. 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]
20. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
- [DUR0405]
21. 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]
22. 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]
23. 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]
24. 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]
-

25. 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]

26. 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]

27. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

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

[DUR2515]

29. 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]

30. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

31. 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]

32. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. 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]

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

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

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

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

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

[POC0265]

35. 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]

USE

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

[USE1305]

37. 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]

38. The ground floor lounge and rumpus room is not to be used or adapted for separate residential habitation or occupation.

[USE0465]

39. 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]

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

[USE0505]

41. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.

[USE1245]

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

SUSPENSION OF STANDING ORDERS

P 13 COMMITTEE DECISION:

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Standing Orders be suspended to deal with Item P8 of the Planning Agenda.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr K Skinner

P8 [PR-PC] Development Application DA08/0931 for Boat Tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah

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

Mr Tim Rose - Murwillumbah Rowing Club

Ms Christine Lonie - Mt Warning Dragon Boat Club
Mrs Fran Beisler - Banora Point & District Residents Association
Mrs Kay Bolton - Fingal Head Community Association
Mr Robert Bradford
Ms Mary Grant
Ms Dawn Walker - Fingal Head Community Association
Mrs Fran Rabbitts
Mr Chris Pena - Applicant
Miss Ann-Marie Russell - Applicant
Mr Sam Hinton
Mrs Audrey Hadley - Tweed Environment Group

Cr B Longland
Cr K Milne

PROPOSED that this report dealing with Development Application DA08/0931 for Boat Tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah be deferred.

The Motion was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

AGAINST VOTE - Cr D Holdom, Cr P Youngblutt, Cr W Polglase, Cr J van Lieshout

ABSENT. DID NOT VOTE - Cr K Skinner

AMENDMENT 1

Cr D Holdom
Cr P Youngblutt

PROPOSED that Development Application DA08/0931 for boat tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Figure 1 Locality Plan prepared by Darryl Anderson Consulting submitted on 7 August 2008, except where varied by the conditions of this consent.

The boat tour is to not exceed 4 to 6 knots at points of interest.

The proposed route is not to include the extended route into the Cobaki and Terranora Broadwater areas from Foysters Jetty, as this area is for fisheries habitat, recreational fishing and passive water use only.

The proposed route includes the extended route from Foysters Jetty through to the Murwillumbah Jetty.

2. The proposed development is to be restricted from Monday to Friday 9:00am to 5:30pm and Saturday and Sunday 10.00am to 5:30pm for a trial period of six (6) months from the date of commencement of the tour operation. The applicant should notify Tweed Shire Council by notice in writing of the date of commencing the boat tours.

The tour boat operators are to submit a boating log by the end of each month reporting on the number of tours conducted on the Tweed River, documenting the date and time of departure and arrival at Foyster's Jetty and duration of the tour, including the number of passengers, weather conditions and the route of the tour.

Any request to vary this condition to a permanent arrangement will require a Section 96 application to be lodged at least two (2) months prior to the expiry of the six (6) month trial period. If after the trial period no application has been received, the consent would have lapsed.

[GENNS01]

3. Comply with all NSW Maritime signage and boating regulations.

[GENNS02]

4. Prior to extended trips to Murwillumbah liaison with the Murwillumbah Rowing Club is to be undertaken to avoid entering the waters between Condong and Murwillumbah when an exclusive licence is over the river for rowing events.

[GENNS03]

5. 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, all Section 94 Contributions should be paid prior to operation.

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:

2 Trips @ \$639	\$1,278
S94 Plan No. 4	
Sector1_4	

[PCC0215]

6. 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 and odours or the like.

[USE0125]

7. Boat tours are to be undertaken at a speed consistent with cruising speeds and within the requirements of NSW Maritime Authority and the Tweed Estuary Boating Plan 2006-2010 (NSW Maritime).

[USENS01]

8. No free-styling (irregular driving) or power turning within the Tweed River and tributaries. [USENS02]
9. Reduce wash created from the boat in accordance with best boating practices. [USENS02]
10. The use to be conducted so as to not cause nuisance or interference to other water based and land based activities. [USENS03]
11. The boat is to be fitted with a water box muffler and the exhaust is to be discharged below the water line prior to the use for the proposed development. [USENS04]
12. The boat is not to be left unattended at the public jetties during the tour, the boat is to anchor clear of the jetty when passengers have disembarked. [USENS05]
13. This consent is for the operation of one boat only and that its passenger capacity does not exceed more than 12 paying customers per tour and 2 crew at all times.

AMENDMENT 2

Cr B Longland
Cr K Milne

RECOMMENDED that Development Application DA08/0931 for boat tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Figure 1 Locality Plan prepared by Darryl Anderson Consulting submitted on 7 August 2008, except where varied by the conditions of this consent.

The boat tour is to not exceed 4 to 6 knots at points of interest.

The proposed route is not to include the extended route into the Cobaki and Terranora Broadwater areas from Foysters Jetty, as this area is for fisheries habitat, recreational fishing and passive water use only.

The proposed route includes the extended route from Foysters Jetty through to the bridge at Condong.

2. The proposed development is to be restricted from Monday to Friday 9:00am to 5:30pm and Saturday and Sunday 10.00am to 5:30pm for a trial period of six (6) months from the date of commencement of the tour operation. The applicant should notify Tweed Shire Council by notice in writing of the date of commencing the boat tours.

The tour boat operators are to submit a boating log by the end of each month reporting on the number of tours conducted on the Tweed River, documenting the date and time of departure and arrival at Foyster's Jetty and duration of the tour, including the number of passengers, weather conditions and the route of the tour.

Any request to vary this condition to a permanent arrangement will require a Section 96 application to be lodged at least two (2) months prior to the expiry of the six (6) month trial period. If after the trial period no application has been received, the consent would have lapsed.

[GENNS01]

3. Comply with all NSW Maritime signage and boating regulations.

[GENNS02]

4. Prior to extended trips to Murwillumbah liaison with the Murwillumbah Rowing Club is to be undertaken to avoid entering the waters between Condong and Murwillumbah when an exclusive licence is over the river for rowing events.

[GENNS03]

5. 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, all Section 94 Contributions should be paid prior to operation.

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:

2 Trips @ \$639	\$1,278
S94 Plan No. 4	
Sector1_4	

[PCC0215]

6. 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 and odours or the like.

[USE0125]

7. Boat tours are to be undertaken at a speed consistent with cruising speeds and within the requirements of NSW Maritime Authority and the Tweed Estuary Boating Plan 2006-2010 (NSW Maritime).

[USENS01]

8. No free-styling (irregular driving) or power turning within the Tweed River and tributaries.

[USENS02]

9. Reduce wash created from the boat in accordance with best boating practices.

[USENS02]

10. The use to be conducted so as to not cause nuisance or interference to other water based and land based activities.

[USENS03]

11. The boat is to be fitted with a water box muffler and the exhaust is to be discharged below the water line prior to the use for the proposed development.

[USENS04]

12. The boat is not to be left unattended at the public jetties during the tour, the boat is to anchor clear of the jetty when passengers have disembarked. [USENS05]
13. This consent is for the operation of one boat only and that its passenger capacity does not exceed more than 12 paying customers per tour and 2 crew at all times.

The Amendment 1 was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase, Cr J van Lieshout

ABSENT. DID NOT VOTE - Cr K Skinner

AMENDMENT 3

Cr K Milne

Cr B Longland

PROPOSED that Development Application DA08/0931 for boat tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Figure 1 Locality Plan prepared by Darryl Anderson Consulting submitted on 7 August 2008, except where varied by the conditions of this consent.

The boat tour is to not exceed 4 to 6 knots at points of interest.

The proposed route is not to include the extended route into the Cobaki and Terranora Broadwater areas from Foysters Jetty, as this area is for fisheries habitat, recreational fishing and passive water use only.

The proposed route includes the extended route from Foysters Jetty through to the Murwillumbah Jetty.

2. The proposed development is to be restricted to operator for one day a week for a trial period of six (6) months from the date of commencement of the tour operation. The applicant should notify Tweed Shire Council by notice in writing of the date of commencing the boat tours.

The tour boat operators are to submit a boating log by the end of each month reporting on the number of tours conducted on the Tweed River, documenting the date and time of departure and arrival at Foyster's Jetty and duration of the tour, including the number of passengers, weather conditions and the route of the tour.

Any request to vary this condition to a permanent arrangement will require a Section 96 application to be lodged at least two (2) months prior to the expiry of the six (6) month trial period. If after the trial period no application has been received, the consent would have lapsed.

[GENNS01]

3. Comply with all NSW Maritime signage and boating regulations.
-

[GENNS02]

4. Prior to extended trips to Murwillumbah liaison with the Murwillumbah Rowing Club is to be undertaken to avoid entering the waters between Condong and Murwillumbah when an exclusive licence is over the river for rowing events.

[GENNS03]

5. 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, all Section 94 Contributions should be paid prior to operation.

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:

2 Trips @ \$639	\$1,278
S94 Plan No. 4	
Sector1_4	

[PCC0215]

6. 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 and odours or the like.

[USE0125]

7. Boat tours are to be undertaken at a speed consistent with cruising speeds and within the requirements of NSW Maritime Authority and the Tweed Estuary Boating Plan 2006-2010 (NSW Maritime).

[USENS01]

8. No free-styling (irregular driving) or power turning within the Tweed River and tributaries.

[USENS02]

9. Reduce wash created from the boat in accordance with best boating practices.

[USENS02]

10. The use to be conducted so as to not cause nuisance or interference to other water based and land based activities.

[USENS03]

11. The boat is to be fitted with a water box muffler and the exhaust is to be discharged below the water line prior to the use for the proposed development.

[USENS04]

12. The boat is not to be left unattended at the public jetties during the tour, the boat is to anchor clear of the jetty when passengers have disembarked.

[USENS05]

13. This consent is for the operation of one boat only and that its passenger capacity does not exceed more than 12 paying customers per tour and 2 crew at all times.

The Amendment 3 was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase, Cr J van Lieshout

ABSENT. DID NOT VOTE - Cr K Skinner

PROCEDURAL MOTION

P 14 COMMITTEE DECISION:

Cr D Holdom

RECOMMENDED that Amendment 2 as the Motion be put.

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

AGAINST VOTE - Cr B Longland, Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

The Amendment 2 on becoming the Motion was **Carried**

P 15 COMMITTEE DECISION:

RECOMMENDED that Development Application DA08/0931 for boat tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Figure 1 Locality Plan prepared by Darryl Anderson Consulting submitted on 7 August 2008, except where varied by the conditions of this consent.

The boat tour is to not exceed 4 to 6 knots at points of interest.

The proposed route is not to include the extended route into the Cobaki and Terranora Broadwater areas from Foysters Jetty, as this area is for fisheries habitat, recreational fishing and passive water use only.

The proposed route includes the extended route from Foysters Jetty through to the bridge at Condong.

2. The proposed development is to be restricted from Monday to Friday 9:00am to 5:30pm and Saturday and Sunday 10:00am to 5:30pm for a trial period of six (6) months from the date of commencement of the tour operation. The applicant should notify Tweed Shire Council by notice in writing of the date of commencing the boat tours.

The tour boat operators are to submit a boating log by the end of each month reporting on the number of tours conducted on the Tweed River, documenting the date and time of departure and arrival at Foyster's Jetty and duration of the tour, including the number of passengers, weather conditions and the route of the tour.

Any request to vary this condition to a permanent arrangement will require a Section 96 application to be lodged at least two (2) months prior to the expiry of the six (6) month trial period. If after the trial period no application has been received, the consent would have lapsed.

[GENNS01]

3. Comply with all NSW Maritime signage and boating regulations.

[GENNS02]

4. Prior to extended trips to Murwillumbah liaison with the Murwillumbah Rowing Club is to be undertaken to avoid entering the waters between Condong and Murwillumbah when an exclusive licence is over the river for rowing events.

[GENNS03]

5. 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, all Section 94 Contributions should be paid prior to operation.

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:

2 Trips @ \$639	\$1,278
S94 Plan No. 4	
Sector1_4	

[PCC0215]

6. 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 and odours or the like.

[USE0125]

7. Boat tours are to be undertaken at a speed consistent with cruising speeds and within the requirements of NSW Maritime Authority and the Tweed Estuary Boating Plan 2006-2010 (NSW Maritime).

[USENS01]

8. No free-styling (irregular driving) or power turning within the Tweed River and tributaries.

[USENS02]

9. Reduce wash created from the boat in accordance with best boating practices.

[USENS02]

10. The use to be conducted so as to not cause nuisance or interference to other water based and land based activities.

[USENS03]

11. The boat is to be fitted with a water box muffler and the exhaust is to be discharged below the water line prior to the use for the proposed development.

[USENS04]

12. The boat is not to be left unattended at the public jetties during the tour, the boat is to anchor clear of the jetty when passengers have disembarked.

[USENS05]

13. This consent is for the operation of one boat only and that its passenger capacity does not exceed more than 12 paying customers per tour and 2 crew at all times.

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

AGAINST VOTE - Cr B Longland, Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

RESUMPTION OF STANDING ORDERS

P 16 COMMITTEE DECISION:

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Standing Orders be resumed.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Skinner

- P2 [PR-PC] Development Application DA08/0753 for a Dwelling, Swimming Pool & Front Fence at Lot 351 DP 1087716, No. 19 Cylinders Drive, Kingscliff**

P 17 COMMITTEE DECISION:

Cr W Polglase

Cr D Holdom

RECOMMENDED that:

1. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.
2. That Development Application DA08/0753 for a dwelling, swimming pool & front fence at Lot 351 DP 1087716, No. 19 Cylinders Drive, Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

[GEN0015]

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

[GEN0115]

3. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of 1.2 metres in height, prior to any construction of the fence being commenced.

Site specific design details or approved generic details prepared by a practicing structural engineer are required to be submitted and approved as part of the Construction Certificate application.

Such structural engineers design details are to confirm that the fence proposal has been designed to take account of all site issues including the site's soil and load bearing characteristics, wind and other applied loadings, long term durability of all components particularly in relation to corrosion and compliance with Tweed Shire Council's policies for "Sewers - Building in Proximity" and provision of appropriate pedestrian sight clearances to footpaths in accordance with Australian Standard AS2890 "Parking Facilities".

[GEN0145]

4. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2. New construction of the western façade shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.
5. Screen-less door systems, including glazing and supporting framework shall be designed and constructed to withstand 19kW/m² of radiant heat flux to prevent the entry of embers into the building. Draught excluders, seals and door furniture shall be manufactured from materials having a flammability index no greater than 5 (with the exception of intumescent seals which are permissible) and ensure that there are no gaps >2.0mm in diameter when the door is closed.
6. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the building.
7. No brushwood (or the like) or treated pine timber fencing shall be used.
8. At the commencement of building works the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones*'.
9. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
10. To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and maintained at all times.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and

Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

12. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximize life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

13. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

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

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

PRIOR TO COMMENCEMENT OF WORK

14. 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]

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

[PCW0225]

16. 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]

17. 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]

18. 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]

19. 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]

20. 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]

DURING CONSTRUCTION

21. 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]

22. 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]
23. 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]
24. 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]
25. 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]
26. 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]
27. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
28. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.
Please note timber retaining walls are not permitted.
[DUR0835]
29. 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]
30. 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]

31. 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]

32. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

33. 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]

34. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

35. 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]

36. 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]

37. 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]

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

[DUR2515]

39. 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]

40. 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]

41. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

42. Prior to issue of any occupation certificate, all work associated with the section 138 driveway approval for vehicle access to the property is to be completed to the satisfaction of Council's Director of Engineering Services.

[POC0005]

43. 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]

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

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

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

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

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

[POC0265]

45. 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]

USE

46. 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]

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

[USE0505]

48. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.

[USE1245]

49. 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]

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

[USE1305]

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

P3 [PR-PC] Development Application DA08/1007 for a Dwelling & Swimming Pool at Lot 282 DP 1120559, No. 13 Woodfull Crescent, Pottsville

P 18 COMMITTEE DECISION:

Cr W Polglase

Cr D Holdom

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA08/1007 for a dwelling and swimming pool at Lot 282 DP 1120559 No. 13 Woodfull Crescent, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.
[GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. 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]
4. All construction is to comply with the requirements for 'Level 2' construction as per the provisions of Australian Standard 3959 - 1999 'Construction of buildings in bushfire-prone areas'
[GENNS01]
5. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

[GENNS02]

6. Landscaping to the site is to comply with the principles of appendix 5 of Planning for Bush Fire Protection 2006.

[GENNS03]

7. All fencing shall be constructed from non-combustible materials.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

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

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

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

PRIOR TO COMMENCEMENT OF WORK

10. 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]

11. 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]

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

[PCW0225]

13. 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]

14. 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]

15. 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]

16. 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]

17. 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]

DURING CONSTRUCTION

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

[DUR0005]

19. 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]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

26. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

27. 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]

28. 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]

29. 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]

30. The habitable floor area of the building is to be at a level not less than RL 3.3 m AHD.

[DUR1435]

31. 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]

32. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

33. All retaining walls in excess of 1metre in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.
- [DUR1955]
34. 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]
35. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
- [DUR2085]
36. 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]
37. 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]
38. 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]
39. 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]

40. 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]

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

- * 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- * 50°C in all other classes of buildings.

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

[DUR2555]

42. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

43. 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]

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

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

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

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

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

[POC0265]

45. 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]

46. 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]

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

[POC1055]

USE

48. 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 and odours or the like.

[USE0125]

49. 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]

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

[USE0505]

51. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.

[USE1245]

52. 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]

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

[USE1305]

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

ADJOURNMENT OF MEETING

The Planning Committee Meeting adjourned to deal with Community Access Session at 6.22pm.

RESUMPTION OF MEETING

The Planning Committee Meeting resumed at 6.51pm

P4 [PR-PC] Development Application DA08/0857 for a Dwelling, Swimming Pool & Front Fence with Fence Height Variation at Lot 356 DP 1087716, No. 29 Cylinders Drive, Kingscliff

P 19 COMMITTEE DECISION:

Cr D Holdom

Cr P Youngblutt

RECOMMENDED that: -

1. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.
2. Development Application DA08/0857 for a dwelling, swimming pool & fencing at Lot 356 DP 1087716, No. 29 Cylinders Drive, Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

[GEN0015]

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

[GEN0115]

3. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2. New

construction of the western façade shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 1.

4. Screen-less door systems, including glazing and supporting framework shall be designed and constructed to withstand 19kW/m² of radiant heat flux to prevent the entry of embers into the building. Draught excluders, seals and door furniture shall be manufactured from materials having a flammability index no greater than 5 (with the exception of intumescent seals which are permissible) and ensure that there are no gaps >2.0mm in diameter when the door is closed.
5. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the building.
6. No brushwood (or the like) or treated pine timber fencing shall be used.
7. At the commencement of building works the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones*'.
8. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
9. To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and maintained at all times.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

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

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

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval

to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

PRIOR TO COMMENCEMENT OF WORK

12. 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]

13. 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]

14. 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]

15. 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]

16. 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]

17. 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]

18. All roof waters are to be disposed of through properly jointed pipes 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.

[PCW1005]

DURING CONSTRUCTION

19. 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]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

26. 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]

27. 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]

28. 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]

29. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

30. 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]

31. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

32. 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]

33. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.

[DUR2485]

34. 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]

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

[DUR2515]

36. 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]

37. 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]

38. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

39. 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]

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

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

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

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

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

[POC0265]

41. 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]

42. Complete all road works associated with the Sect 138 application to the satisfaction of the Director of Councils Engineering and Operations Division.

[POCNS01]

USE

43. 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]

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

[USE0505]

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

P5 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

P 20 COMMITTEE DECISION:

Cr D Holdom

Cr P Youngblutt

RECOMMENDED that Council notes that there have been no Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards approved under Delegated Authority during the period since 20 January 2009.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr K Skinner

P6 [PR-PC] Development Application DA08/0387 for Additions to Amenities and New Awning and Farm Shed at Lot 6 DP 596699, Lot 11 & 12 DP 1086837 Duranbah Road, Duranbah - Unauthorised Works

P 21 COMMITTEE DECISION:

Cr D Holdom

Cr P Youngblutt

RECOMMENDED that Council issues a Penalty Infringement Notice (PIN) for an amount of \$600.00 for the unauthorised building works of a fruit processing and packaging shed, additions to amenities, new awning and farm shed at Lot 6 DP 596699, Lot 11 & 12 DP 1086837 Duranbah Road, Duranbah.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr K Skinner

P7 [PR-PC] Part V Application - PTV08/0001 for an Upgrade of the Banora Point Water Reclamation Plant & the Demolition & Reconstruction of the Tweed Heads West Water Reclamation Plant at Lot 482 DP 591546; Lot 2 DP 591548; Lot 1 DP 1011625, Parkes Drive, Tw

P 22 COMMITTEE DECISION:

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Part V application - PTV08/0001 for an upgrade of the Banora Point Waste Water Treatment Plant at Lot 482 DP 591546 & Lot 2 DP 591548, Enterprise Avenue Tweed Heads South & the demolition and reconstruction of the Tweed Heads West Waste Water Treatment Plant at Lot 1 DP 1011625, Parkes Drive, Tweed Heads West be approved subject to the following conditions: -

1. The development shall be completed in accordance with the *Banora Point and Tweed Heads West WRP Reclaimed Water Management Strategy Environmental Impact Statement* prepared by GHD and dated August 2005, except where varied by the conditions of this consent.

[GEN0005]
2. Prior to commencement of work, separate construction approvals shall be obtained for the works proposed by this approval at the Banora Point site and the Tweed Heads West site .

[GEN0185]
3. Within 12 months of the date of this approval, Council's Sewer Fund will allocate funds sufficient to commence a program of works towards Terranora and Cobaki catchment rehabilitation, including riparian buffer and stormwater works, as detailed in the EIS.

[GENNS01]
4. No excavation or works shall be undertaken within the area marked as "Grit Burial Waste" on Figure 6.2 *Existing Layout Site Map of Banora Point WRP* of the Environmental Impact Statement until such time as a Site Contamination Assessment has been undertaken by a suitably qualified person and a Remediation Strategy, if appropriate, has been formulated and approved by the Director of Planning & Regulation.

[GENNS02]
5. Environmental Management Plans are to be prepared for the construction and operational phases of the development. In this regard the Environmental Management Plans are to be prepared in accordance with the Environmental Impact Statement and are to detail the proposed mitigation measures, modelling and monitoring programs.

[GENNS03]
6. Council shall continue to investigate options for effluent reuse and shall implement identified viable options.

[GENNS04]
7. Where practical, all critical facilities or equipment susceptible to water damage should be located at or above RL 3.1m AHD to provide 0.5m freeboard, as required for habitable development in the area.

[GENNS05]
8. 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]

9. Prior to the issue of Construction Approval the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- (a) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)

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

[PCC0985]

10. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

11. Permanent stormwater quality treatment shall be provided to treat runoff from new carparking, driveway and similar hardstand areas exposed to gross pollutants, sediments and nutrients in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising

permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.
- [PCC1105]
12. Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [PCC1155]
13. Non-structural (effluent and sludge storage ponds) and structural infrastructure shall be constructed so as to prevent groundwater inflows to those structures or discharges/infiltration to groundwater.
- [PCCNS01]
14. All imported fill material shall be from an approved source and free of contaminants.
- [PCW0375]
15. Prior to the excavation of soils on the site an Acid Sulfate Soils and/or Dewatering Management Plan, if applicable, shall be submitted to the Director Planning & Regulation for approval.
- [PCWNS01]
16. Prior to the commencement of work, detailed site investigation shall be carried to determine whether acid sulfate soils are present on the site and whether groundwater will be intercepted as a result of the proposed redevelopment.
- [PCWNS02]
17. A detailed environmental management plan shall be submitted to and approved by Council prior to the commencement of any decommissioning works on the existing Tweed Heads West Waste Water treatment Plant. All works shall comply with the approved plan.
- [PCWNS03]
18. Should any decontamination or remediation works be necessary on the existing Tweed Heads West Waste Water Treatment Plant site, then those works shall not be commenced without the separate prior approval of Council.
- [PCWNS04]
19. Irrigation of effluent shall not occur without the prior written approval of Council.
- [PCWNS05]
20. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

21. The roof cladding is to be of a non-reflective nature. Colorbond shades classed as "very light" by the BCA are not approved.
[DUR0245]
22. Operation times and noise attenuation shall be undertaken in accordance with Section 10.4.6 of the Environmental Impact Statement submitted with the application.
[DURNS02]
23. Odour from the Plant shall not be permitted to impact the amenity of any premises. Should odour from the plant unreasonably impact the amenity of any premises then a odour report shall be prepared and submitted for the consideration of the Director Planning & Regulation. Where directed in writing by the Director, amelioration measures identified in the odour report shall be implemented as directed in writing.
[DURNS03]
24. The Plant shall be operated in accordance with the license or operational requirements of the NSW Department of Environment and Climate Change
[POCNS01]
25. 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.
[PTV0030]
26. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
[PTV0050]
27. 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.
[PTV0060]

The Motion was **Carried**

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

ABSENT. DID NOT VOTE - Cr K Skinner**P8 [PR-PC] Development Application DA08/0931 for Boat Tours on Tweed River at Tumbulgum, Tweed Heads South and Murwillumbah**

This item was dealt with at Minute No P15 of these Minutes.

SUSPENSION OF STANDING ORDERS**P 23 COMMITTEE DECISION:**

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Standing Orders be suspended to deal with Item O12 of the Operations Committee Agenda.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Skinner

O12 [CNR-OC] Tweed Valley Water Supply - Demand Management Strategy

This item was dealt with at Minute No O31 of the Operations Committee and the recommendation adopted at Council Minute No 26.

RECOMMENDED that:-

1. For brownfield areas, Council adopts Scenario 4 for the Tweed Shire's existing and infill development areas, with a key focus on developing an extensive active leakage control and pressure management program.

Scenario 4 being:

- *A voluntary rainwater tank connected to external uses, toilet flushing and cold water to washing machines:*
 - *Single Dwellings minimum 5000L rainwater tank with a minimum 160 m² roof area connected to it.*
 - *Multi Dwellings & other buildings Rainwater tanks to be provided on a similar basis connecting 80% to 90% of the roof area.*
- *Implement an extensive active leakage control and pressure management program.*
- *Implementation of selected demand management measures, including education programs, residential audit programs, a retrofit service and rebate scheme (Shower Heads only).*

2. For greenfield areas, namely Cobaki Lakes, Bilambil Heights, Terranora and Kings Forest developments, Council adopts Scenario 1.

Scenario 1 being:

- *A voluntary rainwater tank connected to external uses, toilet flushing and cold water to washing machines:*
 - *Single Dwellings minimum 5000L rainwater tank with a minimum 160 m² roof area connected to it.*
 - *Multi Dwellings & other buildings Rainwater tanks to be provided on a similar basis connecting 80% to 90% of the roof.*
 - *New dwellings on a voluntary basis will have minimum of dual flush toilets as well as 3 star showerheads and taps. Noting that BASIX is most likely to achieve this.*
 - *The introduction of Reduced Infiltration Gravity Sewers (RIGS) in new development.*
3. For West Kingscliff, recycled water be made available to future industrial land use areas where demand is identified.
 4. Council officers develop a Rain Water Tank education program, focused on the correct use and maintenance including a regular program of inspections.
 5. Council officers develop an on-going communication and education program as part of the preferred program to ensure that savings are maintained in future.
 6. The inclining block water tariff structure be maintained and enhanced to provide a price signal for high users.
 7. Council considers options for a non-residential demand management program.
 8. A review be undertaken of the potable water design standards based on the demand assessment undertaken in this report. A regular assessment should then be undertaken to review the adopted design standards.
 9. Council continues to encourage effluent reuse schemes and other integrated water solutions that are sustainable in the long term proposed by developers of greenfield sites.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

RESUMPTION OF STANDING ORDERS

**P 24 COMMITTEE DECISION:
Cr W Polglase**

Cr P Youngblutt

RECOMMENDED that Standing Orders be resumed.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Skinner

P9 [PR-PC] Kings Forest Concept Plan - Residential Community Development - Council Submission to the Department of Planning

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

Ms Jenny Hayes

P 25 COMMITTEE DECISION:

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Council receives and notes the attached draft submission on the Kings Forest Concept Plan Residential Community Development and that it be submitted to the Department of Planning.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

P10 [PR-PC] Cobaki Lakes Concept Plan - Residential Community Development - Council Submission to the Department of Planning

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Council receives and notes the attached draft submission on the Cobaki Lakes Residential Community Development and that it be submitted to the Department of Planning.

AMENDMENT

Cr K Milne

Cr B Longland

PROPOSED Council endorses the attached draft submission on the Cobaki Lakes Residential Community Development and that it be submitted to the Department of Planning with the following additions:

1. Has a strong design to preserve the vast biodiversity on this site, especially the important regional and subregional wildlife corridors.
2. Has grave concerns for the many threatened species that occur at and around the site, especially the Koala, Wallum Froglet and Potoroo.
3. Requests that further options and alternatives, as required by the Director General, for dog, cat and rabbit free options are considered, as this development provides unique opportunities to interact with a vast array of native wildlife.
4. Has grave concerns about the impact of roads on wildlife, especially through corridor areas. Council requests, as required by the Director General, that further options for wildlife road management are provided before this concept is approved.
5. Has a strong desire to see options, as required by the Director General, for a Wildlife "Sanctuary style" Concept Plan adopting and improving on the successful model of the Koala Beach Estate in managing significant wildlife corridors.
6. Has a strong design for the Cobaki Lakes Concept Plan to further fully embrace green initiatives, more comprehensive social infrastructure and affordable housing measures as an investment for our Shire, for this very significant environment and for our future generations. Council requests that these options and alternatives, as requested by the Director General, are provided before this concept plan is approved.

PROCEDURAL MOTION

P 26 COMMITTEE DECISION: Cr W Polglase

RECOMMENDED that the Amended Motion be put.

The Amended Motion was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase, Cr J van Lieshout

ABSENT. DID NOT VOTE - Cr K Skinner

The Motion was **Carried**

P 27 COMMITTEE DECISION:

RECOMMENDED that Council receives and notes the attached draft submission on the Cobaki Lakes Residential Community Development and that it be submitted to the Department of Planning.

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr K Skinner

P 28 COMMITTEE DECISION:

Cr D Holdom

Cr W Polglase

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

FOR VOTE - Unanimous

