



TWEED SHIRE COUNCIL

MINUTES

PLANNING COMMITTEE MEETING

Tuesday 21 July 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 Kevin Skinner, Cr Phil Youngblutt.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [PR-PC] Development Application DA08/1043 for a Change of Use from a Dwelling to a Doctor's Surgery and Demolition of Carport/Shed Structure at Lot A DP 377974; Lot B DP 385579, Kyogle Road, Uki

The following person addressed the Planning Committee meeting on this matter:

Mr Phil Carr, Uki Residents Association

P 98

Cr B Longland
Cr W Polglase

RECOMMENDED that Development Application DA08/1043 for a change of use from a dwelling to a doctor's surgery and demolition of carport/shed structure at Lot A DP 377974; Lot B DP 385579, Kyogle Road, Uki be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and
 - Plan No 1 dated 23/10/2008,
 - Plan No 2 as amended in red dated 9/10/2008, and
 - Plan No 3 dated 25/09/2008

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. This approval gives consent to the use of one consulting room with associated clinical room. At any one time, there shall be only one consulting room and one medical practitioner. Any change of use shall require a formal amendment by way of a Section 96 application.

[GENNS01]

4. This consent requires the provision of a total of five (5) off-street car parking spaces. As the subject site only accommodates two (2) of the required parking spaces, the additional three (3) spaces are to be provided on the Old Buttery site (Lot 71 DP 755730) for the consent to remain lawful. Signage is to be placed outside the doctor's surgery indicating that additional car parking is available at the Old Butter Factory.

[GENNS02]

5. There shall be adequate provision for the parking of two (2) bicycles on the subject site.

[GENNS03]

- 5.1 The stacked parking arrangements on site shall consist of one staff car parking space closest to the dwelling and one customer / disabled car parking space located in closest proximity to Kyogle Road. Parking arrangements at the Old Buttery shall cater for one staff car parking space and two customer car parking spaces.

[GENNS05]

DURING CONSTRUCTION

6. 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]

7. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

[DUR0645]

8. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

- 8.1 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

9. 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]

10. A satisfactory final inspection of the building is to be carried out by Council prior to occupation or use commencing.

[POC0255]

11. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

12. Two car parking spaces are to be provided on site. The car parking spaces are to have a gravel pavement (such as river stone) approximately 100mm thick. The minimum size of the staff car parking space is to be 5.4m long and 2.4m wide. The minimum size of the customer / disabled car parking space located in closest proximity to Kyogle Road is to be 5.4m long and 3.2m wide, in accordance with AS 2890:1993.

[POCNS01]

13. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) A concrete footpath 1.2 metres wide and 100 millimetres thick, is to be constructed on a compacted base along the entire frontage of the site.
- (b) construction of new driveway access (or modification of access).

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected.

14. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
15. Receipt of approval is to be obtained prior to the issue of an occupation certificate.

[POCNS02]

USE

16. Hours of operation of the business are restricted to the following hours: -

- * 9:00am to 5:00pm - Mondays to Fridays
- * All deliveries and pickups relating to the business are to occur within the approved hours.

[USE0185]

The Motion was **Carried**

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

P2 [PR-PC] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley

The following person addressed the Planning Committee meeting on this matter:

Mr Ian Chambers

P 99

Cr D Holdom
Cr K Skinner

RECOMMENDED that Development Application DA08/1170 for a two (2) lot subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley be refused for the following reasons:-

1. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated compliance with the development standard as being unreasonable or unnecessary in accordance with State Environmental Planning Policy No. 1 – Development Standards
2. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with State Environmental Planning Policy (Rural Lands) 2008 as the proposal will result in:
 - development being incompatible with surrounding agricultural uses,
 - potential to create land use conflicts
 - the proposed subdivision not supporting or enhancing the agricultural production of the site
3. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with the 1(a) zone objectives within Clause 11 of the Tweed Local Environmental Plan 2000, as the proposed development does not:

- protect the rural character and amenity;
 - prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.
4. Pursuant to Section 79C(1)(a)(i) the development proposal in seeking a subdivision for a residential purpose is not consistent with Clause 20(2)(a) of the Tweed Local Environmental Plan 2000, as the proposed Lots are below the minimum requirement of 40 hectares.
 5. Pursuant to Section 79C(1)(c) the development site is not considered suitable for the development as proposed.
 6. Pursuant to Section 79C(1)(e) the proposed development will result in prohibited development with dwelling houses located on undersized allotments that do not enjoy dwelling entitlements.
 7. Pursuant to Section 79C(1)(e) the proposed development, is not within the public interest as the development would create two undersized lots in the 1(a) Rural zone.

The Motion was **Carried**

FOR VOTE - Cr D Holdom, Cr K Skinner, Cr B Longland, Cr K Milne

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

NOTE: A RESCISSION MOTION HAS BEEN RECEIVED IN RELATION TO ITEM P2

P3 [PR-PC] Development Application DA09/0074 for an Outdoor Dining Blister at Lot 1 DP 780238 No. 6-8 Commercial Road, Murwillumbah

Cr K Milne declared an Interest in this item, left the Chamber at 06:48 PM and took no part in the discussion or voting.

The nature of the interest is that Cr K Milne accords to Clause 7.6 of Council Code of Conduct - *"A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter."*

P 100

Cr D Holdom

Cr W Polglase

RECOMMENDED that Development Application DA09/0074 for an outdoor dining blister at Lot 1 DP 780238; No. 6-8 Commercial Road, Murwillumbah be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No's 1136A Sheet 1 - 3 prepared by Parameter Designs dated 8 December 2008 as amended in red, and Traffic Control Plan prepared by Total Safety Management Services dated 5 February 2009 except where varied by the conditions of this consent.
[[GEN0005]]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
[[GEN0135]]
3. A Footpath Dining License Agreement must be submitted to and approved by Council. An approval issued by Council must be displayed in the front window of the business at all times.
[[GENNS03]]
4. Advertising is not permitted on the walls or partitions of the proposed dining area.
[[GENNS03]]
5. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on the road reserve or footpath for the "dining blister" for dining purposes. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
[[GENNS03]]
6. 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]]
7. Approval is given in accordance with Part 9, Division 1 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 to use the footpath / road reserve for the purposes of footpath dining.
[[GENNS04]]
8. Prior to the use of the road reserve and/ or footpath for the "dining blister" for dining purposes, Tweed Shire Council approval shall be required under the provisions of the Local Government Act 1993 and Roads Act 1993 and a Licence Agreement shall be entered into with the said Council.
[[GENNS04]]
9. The proposal is to comply at all times with Tweed Shire Councils adopted Footpath Dining Policy except where varied by this approval.
[[GENNS01]]

PRIOR TO COMMENCEMENT OF WORK

10. The proponent shall provide to Council copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.
[[PCW0835]]
-

11. Section 94 Contributions

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

Prior to the issue of a Section 138 certificate being issued and construction work commencing, all contributions must be paid in full. Evidence that these fees have been paid shall be submitted to Council.

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Shirewide Car Parking \$12,747.00
S94 Plan No. 23

12. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) construction of footpath dining area

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[[PCWNS02]

13. The proposed bollards to be erected are to be following:

- Supplier: Street Furniture Australia (Trevor Roy)
- Type: Bollard B5F 115mm diameter galvanised steel and powdercoated body with polished cast aluminium flat top and pre drilled holes to take 8 strands of stainless wire.
- Fixing: Surface fixed
- Colour: Dulux 'Windspray' Satin 84760
-

Plans and details showing this type of bollard are to be submitted to and approved by Council's Landscape Architect prior to construction work commencing.

[[PCWNS03]

14. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including area external to the development site where works are proposed.

DURING CONSTRUCTION

15. 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]

16. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[[DUR1795]

17. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[[DUR1845]

18. 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 occupation of the structure.

[[DUR1875]

19. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[[DUR1885]

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

[[DUR2015]

21. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[[DUR2025]

22. The 450mm setback from the edge line to the face of the bollards is to be in keeping with the existing adjoining dining blister structure.

[[DURNS01]

23. A section of the proposed gutter cover is required to be removable to facilitate the cleaning of the gutter tray.

[[DURNS01]

24. The existing road pavement is to be saw cut to provide a neat joint with the proposed concrete dining blister.

[[DURNS01]

USE

25. The use is 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]

26. The premises shall be maintained in a clean and tidy manner.

[[USE0965]

27. Footpath dining activities shall not be carried out on the blister unless a Footpath Dining License Agreement has been approved by the General Manager or his delegate. Footpath dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Councils adopted Footpath Dining Policy.

[[USE1105]

28. A minimum of two (2) metre wide clear unobstructed pedestrian pathway shall be maintained at all times on the footpath.

[[USE1115]

29. Footpath dining activities shall be undertaken in accordance with Council Footpath Trading Policy.

[[USENS01]

30. The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000, the Smoke Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. The proposed dining blister should be designed to comply with these provisions accordingly.

[USENS01]

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

[[USENS01]

32. It is the responsibility of the trader to ensure that if customers move the furniture or ancillary items, it is not outside the approved trading area. All furniture is to be placed in accordance with the dining blister discs (as placed when the footpath dining agreements is established). Furniture and ancillary items shall not block the pedestrian path at any time.

[USENS01]

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne

Cr K Milne has returned from temporary absence at 06:49 PM

P4 [PR-PC] Development Application DA07/0022 - Three (3) Storey Residential Flat Building Containing Five (5) Units at Lot 9 DP 14141 No. 21 Tweed Coast Road, Hastings Point

The following persons addressed the Planning Committee meeting on this matter:

Ms Julie Boyd
Mr Gary Thorpe
Mr John O'Reilly
Mr Alan McIntosh
Mr Danny Gillies

P 101

Cr K Milne
Cr D Holdom

RECOMMENDED that Development Application DA07/0022 for a part two (2) and part three (3) storey residential flat building containing five (5) units at Lot 9 DP 14141, No. 21 Tweed Coast Road, Hastings Point be refused for the following reasons:-

1. The proposed development is excessive and inappropriate in regards to height and inconsistent with the Area Specific Development Controls in Section A1 – Residential and Tourist Code of the Tweed Development Control Plan (“Tweed DCP”).
2. The proposed development is excessive and inappropriate with regards to density and inconsistent with the Area Specific Development Controls in Section A1 – Residential and Tourist Code of the Tweed Development Control Plan (“Tweed DCP”).
3. The proposed development is an overdevelopment of the site, having regard to the height, bulk, scale and existing character of the area.
4. The proposed development will have a negative cumulative impact on the locality.
5. The proposed development will set an undesirable precedent for similar inappropriate development in the area in the future.
6. The proposed development is not considered to be in the public interest.

The Motion was **Carried**

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.58 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.47 pm

RETIREMENT FROM MEETING

The Director Technology & Corporate Services retired from the meeting due to ill health.

P5 [PR-PC] Development Application DA06/1452 for a Community Title Subdivision Creating 8 House Sites at Lot 14 DP 712033 & Lot 27 DP 789650 No. 106 Hunter Street and No. 52 Waranga Crescent, Burringbar

P 102

Cr D Holdom

Cr K Milne

RECOMMENDED that Development Application DA06/1452 for a community title subdivision creating 8 house sites at Lot 14 DP 712033; Lot 27 DP 789650, No. 106 Hunter Street and No. 52 Waranga Crescent, Burringbar be refused for the following reasons:-

1. The application fails to comply with the Tweed Local Environmental Plan 2000.
2. The application fails to comply with the Tweed Development Control Plan Section A5 – Subdivision Manual.
3. The application fails to adequately address engineering matters as follows:
 - a. The restrictions/precautions raised within the Geotechnical Assessment undertaken by Soil Surveys Engineering P/L have not been adequately addressed to give Council the confidence the long term stability of the site can be achieved for residential development.
 - b. The engineering plans do not adequately identify existing and proposed contours demonstrating the extent of temporary or permanent earthworks.
 - c. The cross section detail is insufficient to demonstrate extent of earthworks for roads, turning areas and house sites.
 - d. The internal road network fails to address the requirements of Chapter 4 of Planning for Bushfire Protection 2006 which identifies property access road standards. Concerns include the following points:
 - Passing bays are to be provided at 200m intervals.
 - Passing bay locations fail to consider limited sight distance.

- Capacity of roads and bridges to carry approximately 28 tonne vehicles – concern for stability, bridge identified as being inadequate – no detail of upgrading
 - Maximum grade of 15°, preferably not more than 10°. It is noted that clause 4.3.1 advises that “maximum grades should not exceed 15° and preferably not more than 10° or gradients specified by road design standards, whichever is the lesser gradient”. As 2890 specifies 20% (11.3°), TSC Development Design Specification identifies maximum of 16% (9.1°)
 - The local road network cannot accept the additional traffic generated without upgrading in accordance with Councils adopted standards.
- e. The requirements of Tweed Shire Council Development Design Specification, D7 – Stormwater Quality has not been adequately addressed for, development consent, construction phase or operational phase.
- f. A slope analysis of the site has not been provided demonstrating compliance with the criteria set out in the NSW Rural Fire Service publication Planning for Bushfire Protection. The topography of the land has gradients exceeding 50% (26.57°). The publication states that development having Asset Protection Zones on slopes greater than 18° should not be supported.
4. The application fails to adequately consider the ecological impacts.
 5. The subject site is unsuitable for the proposed development as the site is heavily constrained by slope, site stability, access, bushfire and ecological value.
 6. The proposed development is likely to result in an adverse impact on flora and fauna on the site.
 7. The proposed development has failed to adequately consider erosion and sediment control.
 8. The application has failed to adequately address the Native Vegetation Act 2003.
 9. The application has failed to demonstrate that a dual approval from both the Catchment Management Authority (CMA) under the Native Vegetation Act 2003 and Council under the EP&A Act could be determined favourably.
 10. The application has failed to provide sufficient information to enable a proper assessment of the application.
 11. The application is not considered to be in the public interest.

The Motion was **Carried**

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

P6 [PR-PC] Development Application DA08/0933 for a Six (6) Lot Subdivision at Lot 14 DP 635734 Larnock Place, Chillingham

P 103

**Cr D Holdom
Cr K Skinner**

RECOMMENDED that Development Application DA08/0933 for a six (6) lot subdivision at Lot 14 DP 635734 Larnock Place, Chillingham be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan titled Proposed six (6) lot subdivision, drawing no. 1 with a scale of 1:2000 @ A3, drawing no. 2 with a scale of 1:800 @ A3 and Staging Plan with a scale of 1:2000 @ A3, prepared by Planit Consulting and dated 05/2009, except where varied by the conditions of this consent.
[GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications.
[GEN0125]
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. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system is to be fitted with a first flush device. Minimum storage tank capacity shall reflect the dry seasonal periods experienced with the locality and shall be separate to any fire fighting requirements stipulated by the NSW Rural Fire Services.
[GENNS01]
5. The design for the installation of any on-site sewage management systems on the proposed lots shall comply with the recommended on-site sewage treatment and disposal methods as detailed in the On-Site Sewage Management Design Report 2008.031 dated June 2008 including all recommendations of that report and any addendum to that report or to the satisfaction of the General Manager or delegate.
6. No clearing of native vegetation is to undertaken without prior approval.
7. In the event that future works during any stage of the project disturb Aboriginal cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological

consultant. The Department of Environment and Climate Change and the Tweed-Byron Local Aboriginal Land Council (LALC) must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment and Climate Change and the Tweed-Byron LALC.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,552).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

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

[PCC0275]

9. 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]

10. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person 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]

11. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications.

Right of Carriageway

The right of carriageway is to be constructed with a 3.6m full width 2 coat bitumen seal on a 150mm depth road base gravel. The carriageway shall be 1m wider than the pavement and any associated batters, catch drains or service corridors.

Vehicular Access

Provision of adequate vehicular access to each lot in accordance with Council's "Access to Property" pamphlet, including the following specific work.

Bitumen sealing of accesses from the road carriageway to the property boundary of each proposed lot with a minimum width of 3m.

Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, to each lot in accordance with Councils adopted Development Design and Construction Specifications if required.

A gate with a minimum width of 3.6m wide shall be installed for the driveway in the boundary fence for each access.

2 wheel drive access is required from the proposed house sites to the right of carriageway. Driveway gradients to the proposed house sites are required to comply with Council's access to property specifications and are to be shown on the construction certificate application.

The construction plans shall demonstrate that sufficient room is available at the road end of both right of carriageways for the erection of private letterboxes and standing of garbage bins, which are accessible but clear of traffic.

Auxiliary acceleration / deceleration lanes

Auxiliary acceleration and deceleration lanes at the intersection of Numinbah Road, Bindaree Place and the proposed right of carriageway are to be designed in accordance with Austroads – Part 5 : Intersections at Grade 2005. Details are to be shown on the construction certificate application.

[PCC0875]

12. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

(a) copies of compliance certificates relied upon

(b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/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]

13. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 – Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 – Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- [PCC1105]
14. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 – Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

15. Civil work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the civil work has been issued in accordance with Councils adopted *Development Design and Construction Specification C101* by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iii) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils

Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

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]

DURING CONSTRUCTION

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

[DUR0005]

18. 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]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

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

[DUR0215]

20. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

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

[DUR0995]

22. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

23. Before the commencement of the relevant stages of road construction for the proposed road widening, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

24. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

25. 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]

26. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D, based on the rates contained in Council's current Fees and Charges:-

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Excavation of subgrade
- (c) Pavement - sub-base
- (d) Pavement - pre kerb
- (e) Pavement - pre seal
- (f) Final inspections - on maintenance
- (g) Off Maintenance inspection

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

27. 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 Subdivision Certificate.

[DUR1955]

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

[DUR2015]

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

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

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

[DUR2375]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

30. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

31. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1

(a) Tweed Road Contribution Plan:	
6.5 Trips @ \$2062	\$13,403
S94 Plan No. 4	
Sector12b_4	
(b) Shirewide Library Facilities:	
1 ET @ \$374	\$374
S94 Plan No. 11	
(c) Eviron Cemetery:	
1 ET @ \$131	\$131
S94 Plan No. 13	
(d) Emergency Facilities (Surf Lifesaving):	
1 ET @ \$200	\$200
S94 Plan No. 16	
(e) Extensions to Council Administration Offices & Technical Support Facilities	
0.2 ET @ \$1996.8	\$399.36

S94 Plan No. 18		
(f)	Regional Open Space (Casual)	
	1 ET @ \$855	\$855
S94 Plan No. 26		
(g)	Regional Open Space (Structured):	
	1 ET @ \$2327	\$2,327
S94 Plan No. 26		
<u>Stage 2</u>		
(a)	Tweed Road Contribution Plan:	
	26 Trips @ \$2062	\$53,612
S94 Plan No. 4		
Sector12b_4		
(b)	Shirewide Library Facilities:	
	4 ET @ \$374	\$1,496
S94 Plan No. 11		
(c)	Eviron Cemetery:	
	4 ET @ \$131	\$524
S94 Plan No. 13		
(d)	Emergency Facilities (Surf Lifesaving):	
	4 ET @ \$200	\$800
S94 Plan No. 16		
(e)	Extensions to Council Administration Offices & Technical Support Facilities	
	0.8 ET @ \$1996.8	\$1,597.44
S94 Plan No. 18		
(f)	Regional Open Space (Casual)	
	4 ET @ \$855	\$3,420
S94 Plan No. 26		
(g)	Regional Open Space (Structured):	
	4 ET @ \$2327	\$9,308
S94 Plan No. 26		

[PCC0215/PSC0175]

32. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be

held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

33. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

34. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

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

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

[PSC0735]

35. All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

36. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

37. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
 - (b) Right of carriageway

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

38. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

[PSC0845]

39. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

40. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

41. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.

- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

42. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate – Roads
- (b) Compliance Certificate - Drainage

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

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

[PSC0945]

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

[PSC1165]

45. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.

[PSC1175]

46. The proposed house sites and effluent land application areas are to be shown on the plan of subdivision.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. At the commencement of subdivision works the land surrounding the existing dwelling on proposed Lot 4, to a distance of 20 metres (or the property boundary), shall be maintained 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*.
2. The existing building on proposed Lot 4 is required to be upgraded to improved ember protection. This is to be achieved by enclosing all opening (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas where applicable and eaves.
3. Access Roads shall comply with section 4.1.3(2) *Planning for Bush Fire protection 2006.*'

The Motion was **Carried**

FOR VOTE - Unanimous

P7 [PR-PC] Development Application DA08/1216 for a Dwelling & Demolition of Existing Dwelling at Lot 2 DP 501165 No. 10a Boomerang Street, Kingscliff

The following persons addressed the Planning Committee meeting on this matter:

Mr Richard Bailey
Mr Alan Baldry

P 104

**Cr D Holdom
Cr K Milne**

RECOMMENDED that Development Application DA08/1216 for a dwelling & demolition of existing dwelling at Lot 2 DP 501165, No. 10a Boomerang Street Kingscliff be deferred to the August Council meeting.

The Motion was **Carried**

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

P8 [PR-PC] Development Application DA08/1007.07 for an Amendment to Development Consent DA08/1007 for a Three (3) Storey Dwelling & Swimming Pool - Raise First Floor Level and Lower Upper Roof at Lot 282 DP 1120559, No. 13 Woodfull Crescent, Pottsville

P 105

**Cr W Polglase
Cr D Holdom**

RECOMMENDED that Development Application DA08/1007.07 for an amendment to Development Consent DA08/1007 for a three (3) storey dwelling & swimming pool - raise first floor level and lower upper roof at Lot 282 DP 1120559, No. 13 Woodfull Crescent, Pottsville be approved and the consent be modified as follows: -

1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows: -

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

2. Add the following new Condition No. 42.1 under the DURING heading which reads as follows: -

42.1 A survey certificate signed by a registered surveyor is to be submitted to the Principal Certifying Authority at each floor stage to certify that the habitable floor level of the building is consistent with the levels indicated on the approved plans.

[DUR1445]

3. Add the following new Condition No. 47.1 under the PRIOR TO OCCUPATION heading which reads as follows: -

47.1 A survey certificate signed by a registered surveyor is to be submitted to the Principal Certifying Authority to certify that the roof ridge level of the building is no greater than 25.88 m AHD and consistent with the approved plans.

[POCNS01]

The Motion was **Carried**

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

P9 [PR-PC] Development Application DA08/1225 for the demolition of existing dwellings & hall & construction of an aged care facility comprising 200 units in a three (3) storey building at Lot 4 DP 617471; Lot 1 DP 605577; Lot 6 Section 1 & Lot 7 Section 1 D

P 106

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA08/1225 for the demolition of existing dwellings & hall & construction of an aged care facility comprising 200 units in a three (3) storey building at Lot 4 DP 617471; Lot 1 DP 605577; Lot 6 Section 1 & Lot 7 Section 1 DP28949; Lot 1 & Lot 2 DP 378971; Nos. 16-20 Kingscliff Street & Nos. 90-92 Pearl Street, Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos:
 - A-DA-01-01 (Rev F) – *Site Plan (as amended in red)* prepared by ML Design and dated 2/12/08;
 - A-DA-10-01 (Rev G) – *Basement Floor Plan* prepared by ML Design and dated 7/7/09;
 - A-DA-10-02 (Rev G) – *Ground Floor Plan (as amended in red)* prepared by ML Design and dated 7/7/08;
 - A-DA-10-03 (Rev E) – *Level 01 Floor Plan* prepared by ML Design and dated 3/12/08;
 - A-DA-10-04 (Rev A) – *Level 02 Floor Plan* prepared by ML Design and dated 3/12/08;
 - A-DA-15-01 (Rev A) – *Tenancy Plans* prepared by ML Design and dated 2/12/08;
 - A-DA-18-01 – *Sequence Stages 1-4* prepared by ML Design and dated 8/12/08;
 - A-DA-20-01 (Rev C) – *Overall Section* prepared by ML Design and dated 2/12/08;
 - A-DA-20-02 (Rev E) – *Typical Section* prepared by ML Design and dated 2/12/08;
 - A-DA-30-01 (Rev C) – *Elevations 1-4* prepared by ML Design and dated 2/12/08;
 - A-DA-30-02 (Rev C) – *Elevations 5-8* prepared by ML Design and dated 2/12/08;
 - A-DA-30-03 (Rev F) – *Elevations 9-12* prepared by ML Design and dated 2/12/08;

- A-DA-30-04 (Rev A) – Typical *Elevations* prepared by ML Design and dated 2/12/08;
- A-DA-30-05 (Rev A) – *Materials & Finishes* prepared by ML Design and dated 2/12/08,

except where varied by the conditions of this consent.

[GEN0005]

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. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

5. All works within the un-named public road stub (connecting to Kingscliff Street), will be considered by Council to be private driveway works, with all maintenance requirements being the responsibility of the site owner.

[GENNS02]

6. All dewatering works must comply with the additional dewatering information and *Dewatering Management Plan – Zone of Influence* map dated 9 June 2009 submitted by HMC Environmental Consulting, unless approved otherwise by Council's General Manager or his delegate.

[GENNS03]

7. Staging of the development (Stages 1-4) shall be in accordance with the approved construction sequencing plan.

[GENNS04]

8. Only the following kinds of people may occupy the development:

- Seniors or people who have a disability (in accordance of the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- People who live within the same household with seniors or people who have a disability;
- Staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. The developer shall provide a total of 256 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. This includes the provision of 10 on-street parking spaces.

Full design detail of the proposed parking and manoeuvring areas (including integrated landscaping) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. Landscaping within the parking and manoeuvring areas shall be in accordance with any Council approved landscaping plan.

[PCC0065]

10. Section 94 Contributions

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

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1

(a) Tweed Road Contribution Plan:

164 Trips @ \$861 \$141,204

S94 Plan No. 4

Sector6_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

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

Admin. Administration component - 5% - see Section 6.5

(b) West Kingscliff – Open Space:

45.6888 ET @ \$2600 \$118,791

DCP Section B4

S94 Plan No. 7

(c) Shirewide Library Facilities:

45.7116 ET @ \$374 \$17,096

S94 Plan No. 11

(d) Bus Shelters:

42.7704 ET @ \$26 \$1,112

S94 Plan No. 12

(e) Eviron Cemetery:

48.212 ET @ \$131 \$6,316

S94 Plan No. 13

(f) Community Facilities (Tweed Coast - North)

50.3333 ET @ \$492 \$24,764

S94 Plan No. 15

(g) Emergency Facilities (Surf Lifesaving):

45.78 ET @ \$200 \$9,156

S94 Plan No. 16

(h) Extensions to Council Administration Offices

& Technical Support Facilities

45.6888 ET @ \$1996.8 \$91,231.40

S94 Plan No. 18

(i) Cycleways:

45.6584 ET @ \$352 \$16,072

S94 Plan No. 22

(j) Regional Open Space (Casual)

45.6888 ET @ \$855 \$39,064

S94 Plan No. 26

Stage 2

(a) Tweed Road Contribution Plan:

90 Trips @ \$861 \$77,490

S94 Plan No. 4

Sector6_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

(b) West Kingscliff – Open Space:

23.5368 ET @ \$2600 \$61,196

DCP Section B4

S94 Plan No. 7

(c) Shirewide Library Facilities:

23.5476 ET @ \$374 \$8,807

S94 Plan No. 11

(d) Bus Shelters:

22.1544 ET @ \$26 \$576

S94 Plan No. 12

(e) Eviron Cemetery:

24.732 ET @ \$131 \$3,240

S94 Plan No. 13

(f) Community Facilities (Tweed Coast - North)

26 ET @ \$492 \$12,792

S94 Plan No. 15

(g) Emergency Facilities (Surf Lifesaving):

23.58 ET @ \$200 \$4,716
 S94 Plan No. 16

(h) Extensions to Council Administration Offices
 & Technical Support Facilities

23.5368 ET @ \$1996.8 \$46,998.28
 S94 Plan No. 18

(i) Cycleways:

23.5224 ET @ \$352 \$8,280
 S94 Plan No. 22

(j) Regional Open Space (Casual)

23.5368 ET @ \$855 \$20,124
 S94 Plan No. 26

Stage 3

(a) Tweed Road Contribution Plan:

122.5 Trips @ \$861 \$105,473
 S94 Plan No. 4
 Sector6_4
 Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

(b) West Kingscliff – Open Space:

32.0362 ET @ \$2600	\$83,294
DCP Section B4	
S94 Plan No. 7	
(c) Shirewide Library Facilities:	
32.0509 ET @ \$374	\$11,987
S94 Plan No. 11	
(d) Bus Shelters:	
30.1546 ET @ \$26	\$784
S94 Plan No. 12	
(e) Eviron Cemetery:	
33.663 ET @ \$131	\$4,410
S94 Plan No. 13	
(f) Community Facilities (Tweed Coast - North)	
34.6667 ET @ \$492	\$17,056
S94 Plan No. 15	
(g) Emergency Facilities (Surf Lifesaving):	
32.095 ET @ \$200	\$6,419
S94 Plan No. 16	
(h) Extensions to Council Administration Offices & Technical Support Facilities	
32.0362 ET @ \$1996.8	\$63,969.88
S94 Plan No. 18	
(i) Cycleways:	
32.0166 ET @ \$352	\$11,270
S94 Plan No. 22	
(j) Regional Open Space (Casual)	
32.0362 ET @ \$855	\$27,391
S94 Plan No. 26	
<u>Stage 4</u>	
(a) Tweed Road Contribution Plan:	
97.5 Trips @ \$861	\$83,948
S94 Plan No. 4	
Sector6_4	
Heavy Haulage Component	

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

(b) West Kingscliff – Open Space:

25.4982 ET @ \$2600	\$66,295
DCP Section B4	
S94 Plan No. 7	

(c) Shirewide Library Facilities:

25.5099 ET @ \$374	\$9,541
S94 Plan No. 11	

(d) Bus Shelters:

24.0006 ET @ \$26	\$624
S94 Plan No. 12	

(e) Eviron Cemetery:

26.793 ET @ \$131	\$3,510
S94 Plan No. 13	

(f) Community Facilities (Tweed Coast - North)

28 ET @ \$492	\$13,776
S94 Plan No. 15	

(g) Emergency Facilities (Surf Lifesaving):

25.545 ET @ \$200	\$5,109
S94 Plan No. 16	

(h) Extensions to Council Administration Offices

& Technical Support Facilities

25.4982 ET @ \$1996.8 \$50,914.81

S94 Plan No. 18

(i) Cycleways:

25.4826 ET @ \$352 \$8,970

S94 Plan No. 22

(j) Regional Open Space (Casual)

25.4982 ET @ \$855 \$21,801

S94 Plan No. 26

[PCC0215]

11. Section 94 Contributions

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

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

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.

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

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

and:

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

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

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section

7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PCC0225/PSC0185]

12. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Stage 1

Water DSP5:	49.976 ET @ \$10709	\$535,193.00
Sewer Kingscliff:	58.201 ET @ \$5146	\$299,502.30

Stage 2

Water DSP6:	22.8 ET @ \$10709	\$244,165.20
Sewer Kingscliff:	28.5 ET @ \$5146	\$146,661.00

Stage 3

Water DSP6:	30.6 ET @ \$10709	\$327,695.40
Sewer Kingscliff:	38.25 ET @ \$5146	\$196,834.50

Stage 4

Water DSP6:	24.6 ET @ \$10709	\$263,441.40
Sewer Kingscliff:	30.75 ET @ \$5146	\$158,239.50

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

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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

[PCC0265]

13. 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]

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

[PCC0465]

15. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A14 - Cut and Fill on Residential Land and Councils Development Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

16. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

17. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

18. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 3.3m AHD in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. This immunity shall be provided at all accesses including external stairs to the basement car park. The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (onsite and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.

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

Stormwater Drainage – Acceptable Solutions”

[PCC0685]

19. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) Design flood level of RL 3.3m AHD.
 - (b) The minimum habitable floor level for all buildings is RL3.8m AHD.
 - (c) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (d) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
 - (e) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

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

[PCC0735]

21. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -
- (a) Vehicular access to Pearl Street
 - (b) Construction of vehicular access to Kingscliff Street, within the existing (un-named) road reserve.
 - (c) The above-mentioned access to Kingscliff Street is to have a minor realignment to ensure the driveway is perpendicular to the kerb line.
 - (d) The construction of 10 on-street parking spaces within the existing road reserve.
 - (e) Construction of a 1.2m wide concrete footpath within the existing road reserve, to link with the existing path in Kingscliff Street.
 - (f) Provision of suitable identifying marks or signage to delineate the actual end of the public road area.

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

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

- Sediment and erosion control plans
 - Location of all services/conduits
 - Traffic control plan
- [PCC0895]
22. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.
- [PCC0935]
23. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
- [PCC1105]
24. 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]

25. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) 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]

26. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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

[PCC1185]

27. Prior to the issue of a construction certificate a Construction Management Plan and Construction Noise Management Plan shall be submitted to the satisfaction of the General Manager or his delegate. The plans shall identify all potential impacts arising from demolition and construction activities and detail measures to ameliorate such impacts to within acceptable standards. All works shall comply with the approved plans.
28. A "Hotline" service shall be established at full cost to the applicant to allow any persons affected by site-related activities to make enquiries about such activities or register a complaint. Details of how the service will be established and maintained shall be included within the Construction Management Plan. This service shall allow affected persons to make contact via telephone, electronic mail and facsimile. The service shall be operational at all times during construction and a logbook of complaints shall be kept and be available for review by Council upon request, with a summary provided to Council at 3 monthly intervals.
29. Prior to the issue of a construction certificate, the final location of the Waste Storage Area is to be approved by General Manager or his delegate. The location shall take into consideration potential noise impact upon neighbouring properties, and incorporate appropriate acoustic measures.
30. Prior to the issue of a construction certificate, a Light Spill Plan shall be submitted to the satisfaction of the General Manager or his delegate. All works shall comply with the approved plan.
31. Prior to the issue of a construction certificate, details of the proposed 'clerestory' component for all south facing buildings (in accordance with the sketch submitted on 7 July 2009 by ML Design) shall be submitted to the

- satisfaction of the General Manager or his delegate. All works shall comply with the approved plan.
32. Prior to the issue of a construction certificate, detailed documentation shall be submitted to the satisfaction of the Principal Certifying Authority, demonstrating strict compliance with all relevant provisions of the accessibility and usability standards for self contained dwellings (under Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004).
- [PCCNS01]
33. Prior to the issue of a construction certificate an interim statement shall be provided from a NSW EPA / (DECC) accredited site auditor, to the satisfaction of the General Manager or his delegate, which confirms that the site, and fill materials on the site, have been satisfactorily investigated and it is satisfactory for basement excavations and dewatering to proceed.
- Should contaminants above relevant health investigations be detected on the site, all works shall stop and a remediation action plan submitted to Council to the satisfaction of the General Manager or his delegate. The remediation action plan shall be vetted and approved by a NSW EPA / (DECC) accredited site auditor.
34. A dilapidation report detailing the current condition of the adjacent buildings and infrastructure is to be prepared and endorsed by a qualified structural engineer. The report is to be submitted to the Principle Certifying Authority prior to the issue of the Construction Certificate.
- [PCCNS02]
35. Water quality monitoring of any standing water on any part of the development site and any water running off the development site to the south, whether or not this has originated from the site or 'upstream', will be undertaken at least weekly over a minimum period of three months in order to establish baseline water quality parameters for the site. Site-specific Thresholds for Key Water Quality Indicators must be developed and submitted to the General Manager or delegate for approval in order to provide a basis for determination of variances which exceed identified habitat preference thresholds for Wallum Froglets (*Crinia tinnula*) on adjacent land and thus require remediation action. Baseline monitoring will measure the following parameters:
- pH;
 - turbidity;
 - suspended solids;
 - salinity;
 - dissolved Oxygen;
 - dissolved organic compounds;
 - magnesium and calcium hardness; and
 - temperature.

[PCCNS03]

36. A detailed landscape plan shall be prepared by a landscape architect or landscape consultant to a standard acceptable to the General Manager or delegate. The plan shall include appropriate treatment of the main access driveway within the road reserve, to 'break up' the on-street visitor parking area and proposed landscaping within open stormwater drains. The plan must comply with Appendix 5 of Planning for Bushfire Protection Guidelines 2006 and shall include the following documentation -
- a. A site plan (at 1:100 to 1:1000 scale) showing the existing features,
 - including north point, access road and an outline of proposed buildings indicating doors and windows and extent of basement carparking if applicable. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.
 - b. Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.
 - c. Easements on or adjacent to the site.
 - d. View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.
 - e. Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s or other vegetation communities adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.
 - f. A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.
 - g. Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
 - h. Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
 - i. Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.
 - j. Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
 - k. A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing
-

vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;

- species listed by botanical and common names, with the majority of plants (>80%) constituting local native species and including no known environmental weed species;
- specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
- maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

[PCCNS04]

37. Prior to the issue of any construction certificate for works within the site, the applicant shall complete the required sewer main relocation works to the satisfaction of Council.

The sewer main relocation works are not to commence until a Section 68 application (for the work) has been submitted to Council with all relevant details, and approved for construction.

[PCCNS05]

38. The developer shall pay a contribution equal to the indexed project cost (being \$3.03M at June 2009) minus Council's fixed (not indexed) allocation of \$1.9M, towards the cost of construction of the Blue Jay Circuit Drainage Scheme (BJCDS). The contribution includes the normal Section 94 Plan No. 7 Drainage contribution and shall be paid three (3) months prior to commencing the development. The contribution shall be paid in cash or by way of a Bank Guarantee.

The amount of the project cost from which the contribution is calculated as above, shall be varied based on the construction cost indices applicable at the time of payment with a base date of June 2009.

Council or an Accredited Certifier shall only issue a construction certificate for Stage 1 of the development (subject to all other relevant matters being complied with) providing Council has substantially commenced construction of the BJCDS. Council shall substantially commence construction immediately following payment of the contribution. (Substantially commenced means excavation and laying of at least 30m of the proposed pipeline).

Prior to the issue of a construction certificate, or payment of the contribution, whichever occurs first, the landowner and Council shall enter into a Voluntary Planning Agreement to reflect the terms of this Condition.

[PCCNS06]

39. All stormwater drainage from the development shall be discharged to the Blue Jay Circuit Drainage Scheme, being the lawful point of discharge for the development. Stormwater discharge to private land is not permissible, unless written consent is obtained from the affected landholder and submitted to the PCA.

[PCCNS07]

40. All works on private land adjoining the development require the written consent of the affected landholder(s), copies of which shall be submitted to the PCA prior to issue of a Construction Certificate.

[PCCNS08]

41. The relocation of public stormwater infrastructure through the site requires separate TSC approval of a Section 68 Local Government Act Stormwater Application, prior to the issue of a Construction Certificate. For the design of public stormwater systems, a safety factor of 2 shall be applied to design rainfall intensities, with a 500mm freeboard to be provided before overtopping can occur. Provision of this factor of safety and freeboard shall be clearly detailed in the s68 Stormwater Application.

[PCCNS09]

42. Landscaping works within open stormwater drains shall be limited to easily maintainable lawn/grass, and shall not include trees, shrubs or other plantings or structures that will limit the hydraulic capacity of the drains or limit future maintenance access. A landscaping plan shall be submitted with the s68 Stormwater Application to Council to demonstrate the suitability of landscaping in these areas. The plan shall be in accordance with any other Council approved landscaping plan.

[PCCNS10]

43. The filling and drainage works must maintain an emergency overflow path from the adjacent stormwater retention basin on the Blue Care site to the inlet of the Blue Jay Circuit Drainage Scheme. This flow path must be at a suitable level and be of an adequate cross section to provide at least equivalent service to the existing overflow measures.

[PCCNS11]

PRIOR TO COMMENCEMENT OF WORK

44. 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]

45. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCW0025]

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

[PCW0125]

47. 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]

48. 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]

49. 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]

50. 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]

51. 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]

52. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill nature of material, proposed use of material and confirmation further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[PCW0375]

53. 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]

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

[PCW1065]

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

[PCW1075]

56. Prior to commencement of building works on the site, all sewer main relocation works are to be completed to Council's satisfaction.

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

58. The provision of 256 car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

Signage is to be provided to advise that visitor parking is also available in the basement car parking area. All visitor spaces and staff spaces are to be marked and maintained as such.

[DUR0085]

59. 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]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

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

[DUR0225]

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

[DUR0235]

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

[DUR0255]

64. 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]

65. 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]

66. 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]

67. 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]

68. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001 and the approved demolition work plan.

[DUR0645]

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

[DUR0675]

70. During filling operations,

- No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- All fill and cut batters shall be contained wholly within the subject land.
- 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.

and upon completion,

- all topsoil to be respread and the site to be grassed and landscaped including battered areas.

[DUR0755]

71. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

72. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0815]
73. 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]
74. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
[DUR0985]
75. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.
[DUR0995]
76. 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]
77. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.
[DUR1015]
78. 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]
79. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 3.8 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level.
[DUR1365]
80. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible
-

be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

81. The habitable floor area of the building is to be at a level not less than RL 3.8 m AHD.

[DUR1435]

82. A survey certificate signed by a registered surveyor is to be submitted to the Principal Certifying Authority at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 3.8m AHD.

[DUR1445]

83. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

84. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

85. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

86. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

87. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be installed in accordance with the requirements of Part 2, Clauses 6, 7 and 8 of the Public Health (Microbial Control) Regulation 2000.

[DUR1645]

88. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

89. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

90. 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]

91. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

92. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

93. 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]

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

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

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

[DUR2375]

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

[DUR2405]

96. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg.

[DUR2435]

97. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

98. 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]

99. 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]

100. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

101. 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]

102. 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]

103. 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]

104. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

105. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined

as a minimum with 9mm thick high impact resistant material E.g. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 metres above the floor. The floor/ wall junction shall be coved to the satisfaction of Council's Environmental Health Officer.

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

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

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

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

[DURNS02]

107. All works shall comply with the Dewatering Management Plan, HMC December 2008 (HMC2008.144B), unless approved otherwise by Council's General Manager or his delegate. All waters shall be tested prior to release and only permitted to discharge where water quality meets the Action Thresholds under part 7 of that Plan.

108. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and all representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.

109. No offsite dewatering shall commence until Council's Environmental Health Officer is satisfied that the quality of water to be discharged will comply with any agreed water quality criteria. Council's Environmental Health Officer shall be advised within 24 hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DURNS03]

110. All works must comply with the Section 4.2 Amelioration Measures within the *Targeted Amphibian Survey: Kingscliff Retirement Village, Kingscliff* by James Warren & Associates dated July 2009.

111. Prior to the commencement of works sediment and erosion control measures sufficient to prevent the transportation of sediment into adjacent known habitat for Wallum Froglets (*Crinia tinnula*) must be installed inside the southern boundary of the development site. Sediment and erosion control measures must be inspected weekly at a minimum during construction and maintenance undertaken immediately an issue is identified.

112. The extent of the construction area must be clearly identified with highly visible traffic barrier prior to commencement of works. Outside of this area the following activities shall not be permitted:

- Storage and mixing of materials;
- Vehicle parking;
- Liquid disposal;
- Machinery repairs and/or refuelling;
- Construction site office or shed;
- Combustion of any material;
- Stockpiling of soil, rubble or debris;
- Any filling or excavation including trench line, topsoil skimming and/or surface excavation, unless otherwise approved by Council; and
- Pesticide, herbicide or chemical applications.

[DURNS04]

113. A water quality monitoring program is to be undertaken weekly during any earthworks and construction activity for any runoff from the site, and is to continue until stabilisation of exposed areas. Results of such monitoring must be made available to Council upon request. Parameters to be measured include:

1. pH;
2. turbidity;
3. suspended solids;
4. salinity;
5. dissolved Oxygen;
6. dissolved organic compounds;
7. magnesium and calcium hardness; and
8. temperature.

[DURNS05]

114. Water quality monitoring results from the above program which indicate any variance that exceeds or closely approaches the Site-specific Thresholds for Key Water Quality Indicators as approved by General Manager or delegate must be reported to the General Manager or delegate; be followed by an immediate investigation by suitably qualified persons under the direction of an Ecologist and require immediate amelioration actions taken to correct water quality.

[DURNS06]

115. All works associated with the demolition, construction and use of the proposed development are to be in accordance with the Waste Management Plan (HMC, April 2009) and HMC's detailed plan of the Waste Storage Area (submitted

on 22 June 2009), unless approved otherwise by Council's General Manager or his delegate.

[DURNS07]

116. All works shall comply with the Acid Sulfate Soils Investigation and Management Plan, Border-Tech, November 2008 (BT 17817-Ass). Any bunded area for the treatment of acid sulfate soils shall be made impervious to the satisfaction of the General Manager or his delegate. Any water discharge or runoff from acid sulfate soil treatment areas shall comply with the discharge criteria nominated under Table 2 of the Acid Sulfate Soils Investigation. All waters shall be tested prior to discharge and records kept on site for inspection by an authorised officer of Tweed Shire Council.

[DURNS08]

- 116.1. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment and Climate Change are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.

[DURNS09]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

117. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

118. 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]

119. 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]

120. 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]

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

[POC0615]

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

[POC0625]

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

[POC0635]

124. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

125. Work as executed plans are to be provided to Council in accordance with Councils Development Design Specification, D13 and a CCTV inspection of the stormwater pipes and sewerage system to be dedicated to Council as public infrastructure including joints and junctions demonstrate that the standard of the system is acceptable to Council.

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

[POC0765]

126. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

[POC0855]

127. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works covered by the Sec.68 approval for sewer relocation works.

[POC0985]

128. Prior to issue of an Occupation Certificate, all water sensitive design facilities are to be completed in accordance with the approved Water Management Plan.

[POC0995]

129. 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]

130. Construction and operation of the development shall comply with the Environmental Noise Impact Assessment, CRG, 28 April 2009, including Section 6, to the satisfaction of the General Manager or his delegate. Prior to the issue of an occupation certificate for any stage of the development a report shall be provided to Council from a suitably qualified person which confirms that the recommendations made in that report have been satisfactorily complied with.
131. Prior to the issue of an occupation certificate for any stage of the development a report shall be provided to Council from a suitably qualified person which assesses all mechanical plant and equipment for potential noise impacts on site and off site. The report shall detail amelioration measures required for plant and equipment. The report shall provide a validation statement (to the satisfaction of the General Manager or his delegate) confirming that noise levels from plant fall within relevant limits established by the Environmental Noise Impact Assessment, CRG, 28 April 2009.
132. Prior to the issue of an occupation certificate for any stage of the development, a statement shall be provided from a NSW EPA / (DECC) accredited contaminated lands auditor, to the satisfaction of the General Manager or his delegate, which confirms that the site is suitable for the use.
- [POCNS01]
133. Should a centralised warm or hot water system be installed, prior to issue of an occupation certificate, documentary evidence shall be provided to Council from a 'competent person', to the satisfaction of the General Manager or his delegate, which confirms that any relevant system was designed, installed and operated in accordance with the requirements of AS3666.1 and AS3666.2.
134. A second dilapidation report is to be prepared by a suitably qualified engineer at the completion works to ascertain if any structural damage has occurred to the adjacent buildings and infrastructure. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the Principle Certifying Authority, prior to the issue of the Occupation Certificate.
- [POCNS02]
135. Council approved landscaping shall be completed prior to the release of the occupation certificate. Landscaping shall be maintained at all times to the satisfaction of the General Manager or delegate. Trees identified for retention in the development application plans shall not be removed without separate Council approval.
- [POCNS03]
136. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
 - (b) All public infrastructure sewer mains within the site are to be covered by a 4m wide easement. Furthermore, the owner shall indemnify Council from any and all future damage that may occur to the development, as a

result of Council needing to access the sewer main at any time in the future.

- (c) The use of any accommodation shall be limited to only the kinds of people permitted by the restrictions of occupation provisions under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[POCNS04]

137. Drainage easements benefitting Tweed Shire Council shall be created to contain all public drainage services that traverse the site. Minimum easement width shall be 3 metres. Drainage easements shall also be created over any additional interallotment drainage, benefitting the adjoining land.

[POCNS05]

USE

138. 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]

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

[USE0165]

140. 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]

141. All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday to Saturday, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

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

[USE0235]

143. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer

[USE0245]

144. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.

[USE0255]

145. The use being restricted to the floor area designated on the approved plan. Use of the development does not include tourist development or tourist accommodation.

[USE0415]

146. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

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

[USE0935]

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

[USE0945]

149. Any person carrying out skin penetration on the premises shall cause a copy of the NSW Health Guidelines on Skin Penetration and also a copy of the NSW Health, Skin Penetration Code of Best Practice to be kept on the premises.

[USE0955]

150. The premises shall be maintained in a clean and tidy manner.

[USE0965]

151. The premises shall be operated in accordance with the *Public Health (Skin Penetration) Regulation 2000* and current NSW Health Skin Penetration Code of Best Practice and Guidelines.

[USE0975]

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

[USE0985]

153. Clinical wastes shall be separated from the general waste stream and disposed via Council's approved clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes to the satisfaction of the General Manager or his delegate.

[USE0995]

154. Use of the water retained in rainwater detention tanks shall be restricted to irrigation of landscaping unless otherwise approved in writing by Council.

[USENS01]

155. Night use of the approved bowling green is not permitted without prior written authorisation from the General Manager or his delegate.

[USENS02]

DEPARTMENT OF WATER AND ENERGY

SCHEDULE OF CONDITIONS FOR TEMPORARY DEWATERING

DEVELOPMENT APPLICATION NUMBER_DA08/1225

1. All works shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
2. All works are to be constructed in accordance with Report HMC 2008.144B Dewatering Management Plan December 2008 and/or with conditions of development consent.
3. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
4. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
5. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
6. All precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works shall be taken.
7. The water extracted shall not be used for any purpose other than temporary construction dewatering.

8. Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that water.
9. Polluted water shall not be discharged into a river or lake other than in accordance with the conditions of a licence granted under the Protection of the Environment Operations Act 1997
10. Tailwater drainage shall not be allowed to discharge onto adjoining roads, Crown land or other persons land, or into any river as defined in the Water Act 1912, or a groundwater aquifer, by surface or sub-surface drains or pipes or any other means.
11. Water must not be discharged unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the Council's sewerage treatment system.
12. The ph of any water extracted must be tested prior to the commencement of discharge and at least twice daily thereafter and a record kept of the date, time and result of each test in the site log.
13. Works used for the purposes of conveying, distributing or storing water from the dewatering work shall not be constructed or installed so as to obstruct the free passage of floodwaters flowing in, to or from a river or lake.
14. Authorised officers of the Department of Water and Energy (DWE), or any other duly authorised officer, must be granted unrestricted access to the works either during or after construction, for the purpose of carrying out any inspection or test of the of the works and its fittings or to take samples of water or material in the work.
15. Any works deemed necessary by DWE for the protection or proper maintenance of the works, or for the control of the water extracted or prevention of pollution of groundwater, shall be undertaken on instruction to do so
16. A record shall be maintained of the actual volume of groundwater pumped (in kilolitres or megalitres) from the dewatering works, the discharge rate (in litres per second) and duration of pumping (number of days) and this information is to be provided to DWE if and when requested.
17. A record shall be maintained of the actual volume and quality of any tailwater generated by the dewatering and this information is to be provided to DWE if and when requested.
18. A record shall be maintained of the groundwater levels beneath and around the construction site throughout the duration of the dewatering and for a period of at least two (2) months following cessation of the required pumping, and this information is to be provided to DWE if and when requested.
19. DWE may request the provision of interim information relating to the records described in the above three (3) conditions at any time during construction.

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. At the commencement of building works and in perpetuity 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 Bushfire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bushfire Protection 2006*.
3. Internal roads shall comply with section 4.2.7 of *Planning for Bushfire Protection 2006*. Except that in this instance a perimeter road and a through road is not required.
4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of *Planning for Bushfire Protection 2006*.
5. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.
6. Screen-less door systems, including glazing and supporting framework shall be designed and constructed 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.
7. A minimum 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the southeast, south and west boundaries adjacent to the hazard. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
8. Landscaping to the site is to comply with principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
9. No brushwood fencing shall be used.

The Motion was **Carried**

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

P10 [PR-PC] Review of Environmental Factors PTV09/0009 for Stage 1 of the Proposed Jack Evans Boat Harbour Re-development Consisting of Foreshore Embellishment Works to Create Parklands featuring: Extensive Walkways, Cycleway, Boardwalks, Landscaping, Drains

P 107

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that an Environmental Impact Statement is not required and that the Review of Environmental Factors PTV09/0009 for Stage 1 proposed re-development of the Jack Evans Boat Harbour consisting of foreshore embellishment works to create parklands featuring: extensive walkways, cycleway, boardwalks and opportunities for passive water based recreation, landscaping, drainage, landforming, construction of two headlands, disabled access ramp, rock revetment, story wall, demolition of amenities block and removal of existing features that do not form part of the foreshore re-development at Lot 2 DP 559525 Wharf Street; Lot 1 DP 607300, Lot 7034 DP 1052935, Lot 7036 DP 1054009, Boundary Street & Lot 7091 DP 1108680 Flagstaff Beach Road, Tweed Heads be approved subject to the following conditions:-

1. The development shall be completed in general accordance with the Review of Environmental Factors prepared by Tweed Shire Council dated April 2009, except where varied by these conditions.

[PTV0010]

2. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate. Erosion and sedimentation control devices shall be installed in accordance with the publication, "Managing Urban Stormwater - Soil and Construction", prepared by the NSW Department of Housing. All erosion and sedimentation controls shall be maintained throughout the period of construction.

[PTV0020]

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

[PTV0040]

4. The site has a Design flood level of RL 2.6m AHD.
5. All building materials used below Council's design flood level must not be susceptible to water damage.
6. Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
7. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.
8. Prior to the commencement of works on the site an amended Dewatering Management Plan shall be prepared and submitted for consideration and approval by Councils General Manager or delegate which shall include a site plan indicating the location of all proposed groundwater treatment devices and a revised monitoring schedule indicating that the following parameters are to be monitored on a daily basis for the first week of dewatering operations:-Lead (soluble), Arsenic(soluble), Manganese(soluble), Iron(soluble), Aluminium(soluble) and Suspended Solids.

9. All imported fill material shall be from an approved source. Prior to the commencement of works details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.
 10. Prior to the installation of any lights, a lighting plan is to be submitted to Council and approved by the General Manager or his delegate.
 11. 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.
 12. 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.
LAeq 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.
LAeq 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.
 13. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
 14. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.
 15. 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.
 16. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.
-

17. 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
 - Dust during filling operations and also from construction vehicles
 - Material being removed from the site by wind
18. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

The Motion was **Carried**

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

P11 [PR-PC] Major Project Application for Casuarina Town Centre Concept Plan and Project Application - Owner's Consent

The following person addressed the Planning Committee meeting on this matter:

Mr Rob Bryant, President Casuarina Residents Association

P 108

Cr D Holdom
Cr K Skinner

RECOMMENDED that Council re-confirms its support of its resolution from 28 May 2009 in respect of the Major Project Application for the Casuarina Town Centre Concept Plan and Project Application, as referred to in Option 1 of this report.

AMENDMENT

Cr K Milne
Cr B Longland

PROPOSED that Council re-confirms its support of its resolution from 28 May 2009 in respect of the Major Project Application for the Casuarina Town Centre Concept Plan and Project Application, as referred to in Option 1 (a) i.:-

Widening the east/west open space reserve on the northeast of the Town Centre site from 15 to 20m and lengthen it to reach Casuarina Way, with a 5m setback line.

The Amendment was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

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

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr K Milne, Cr W Polglase

AGAINST VOTE - Cr J van Lieshout

P12 [PR-PC] Planning Reform Unit Work Program

P 109

Cr K Skinner

Cr D Holdom

RECOMMENDED that the report on the Planning Reform Unit Work Program be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

P13 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

P 110

Cr K Skinner

Cr P Youngblutt

RECOMMENDED that Council notes the June 2009 Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

P14 [PR-PC] Development Application DA09/0296 and Part V Application PTV09/0015 - Festival of Speed on Tweed comprising time trialled historic motor vehicle racing events scheduled for 3 days in September annually for 5 years (2009 - 2013), commencing Friday

Cr B Longland declared an Interest in this item, left the Chamber at 08:30 PM and took no part in the discussion or voting.

The nature of the interest is that Cr B Longland is a member of the Murwillumbah Rotary Club, which is involved in the conduct of Speed on Tweed.

Cr K Milne
Cr J van Lieshout

PROPOSED that:

- A. Council provide in principle support for this application.
- B. Council notes the intention of the Director of Planning and Regulation to determine;
 - Development Application DA09/0296; and
 - Part V Application PTV09/0015

For the Festival of Speed on Tweed comprising time trialled historic motor vehicle racing events scheduled for 3 days in September for 1 year (2009), commencing Friday 4 September 2009, with a review process at the end of the event. The proposal includes the restricted public access to Rous Street, Ewing Street, Queensland Road, Murwillumbah Street and Mooball Street and the placement of road safety equipment and crowd control measures at Lot 167 DP 729468, Lot 164 DP 755724, Lot 1 DP 225827, Lot 46 DP 755724, Lot 1 DP 725221 & Lot 1 DP 128281 37 Queensland Road; Lot 2 DP 225827 Murwillumbah Street; Lot 1 DP 90208 Rous Street; Ewing Street; Mooball Street; MURWILLUMBAH.

Final determination shall not be granted until such time as referral comments are received from the relevant referral bodies as detailed within this report.

P 111

AMENDMENT

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that:

- A. Council provide in principle support for this application.
 - B. Council notes the intention of the Director of Planning and Regulation to determine;
 - Development Application DA09/0296; and
 - Part V Application PTV09/0015
-

For the Festival of Speed on Tweed comprising time trialled historic motor vehicle racing events scheduled for 3 days in September annually for 5 years (2009-2013), commencing Friday 4 September 2009. The proposal includes the restricted public access to Rous Street, Ewing Street, Queensland Road, Murwillumbah Street and Mooball Street and the placement of road safety equipment and crowd control measures at Lot 167 DP 729468, Lot 164 DP 755724, Lot 1 DP 225827, Lot 46 DP 755724, Lot 1 DP 725221 & Lot 1 DP 128281 37 Queensland Road; Lot 2 DP 225827 Murwillumbah Street; Lot 1 DP 90208 Rous Street; Ewing Street; Mooball Street; MURWILLUMBAH.

Final determination shall not be granted until such time as referral comments are received from the relevant referral bodies as detailed within this report.

The Amendment was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

ABSENT. DID NOT VOTE - Cr B Longland

The Amendment on becoming the Motion was **Carried** - (Minute No P111 refers)

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

ABSENT. DID NOT VOTE - Cr B Longland

Cr B Longland has returned from temporary absence at 08:40 PM

P15 [EO-PC] Amendment to Section 94 Plan No. 10 - Cobaki Lakes

P 112

Cr K Skinner

Cr P Youngblutt

RECOMMENDED that:

1. Council adopts Draft S94 Plan No 10 – Cobaki Lakes Public Open Space and Community Facilities Version 3 as a basis for exhibition and community discussion/consultation.
2. Draft plan Version 3 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 2.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

P16 [EO-PC] Section 94 Contributions \$20,000 Cap**P 113****Cr D Holdom
Cr K Skinner****RECOMMENDED** that Council:-

1. Complies with the Minister for Planning's Section 94 Direction of 10 July 2009 regarding compliance with the \$20,000 cap per dwelling for Section 94 Contributions.
2. Reviews and amend Section 94 Plans in accordance with the Minister's direction.

AMENDMENT**Cr K Milne
Cr B Longland****PROPOSED** that Council:-

1. Complies with the Minister for Planning's Section 94 Direction of 10 July 2009 regarding compliance with the \$20,000 cap per dwelling for Section 94 Contributions.
2. Reviews and amend Section 94 Plans in accordance with the Minister's direction.
3. Provides a report on average s94 contribution levels compared to other Councils.
4. Holds a workshop on s94 funds to ensure average funding levels are sufficient for new emerging local conditions, and meet the recommendations of the SGS Shirewide Community Plans.

The Amendment was **Lost*****FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne******AGAINST VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout***The Motion was **Carried*****FOR VOTE - Unanimous*****P 114 COMMITTEE DECISION:****Cr P Youngblutt
Cr W Polglase**

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

FOR VOTE - Unanimous

135

Cr W Polglase

Cr P Youngblutt

RESOLVED that the recommendations of the Planning Committee held Tuesday 21 July 2009 be adopted.

FOR VOTE - Unanimous

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