



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Skinner (Mayor)

**Councillors:** B Longland (Deputy Mayor)  
D Holdom  
K Milne  
W Polglase  
J van Lieshout  
P Youngblutt

# Minutes

**CouncilMinutes19July2011Tuesday**  
**19 July 2011**

held at Murwillumbah Cultural and Civic Centre  
commencing at 4.20pm

## COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 4.20pm.

## **IN ATTENDANCE**

Cr K Skinner (Mayor), Cr B Longland (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase, Cr J van Lieshout and Cr P 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 Meredith Smith (Minutes Secretary).

## **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

### **7 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

390

**Cr D Holdom**  
**Cr K Milne**

**RESOLVED** that Council notes the June 2011 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

**FOR VOTE - Unanimous**

### **8 [PR-CM] Grant to Undertake the Aboriginal Cultural Heritage Study**

391

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that:

1. The report on the Grant to Undertake the Aboriginal Cultural Heritage Study be received and noted; and

2. Council endorses the acceptance of the successful NSW Heritage Office grant to undertake the preparation of an Aboriginal Cultural Heritage Management Plan for the Tweed Shire and votes the expenditure.

The Motion was **Carried**

**FOR VOTE - Unanimous**

- 9 **[PR-CM] Planning Proposal PP10/0005 - Lot 1 DP 1046935 Old Lismore Road, Murwillumbah, known as Hundred Hills extension**

392

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Planning Proposal PP10/0005 for Lot 1 DP 1046935 Old Lismore Road, Murwillumbah be amended to include that part of Lot 279 DP 1145129 currently zoned 1(c) Rural Living, as shown on Map 3 within this report.

The Motion was **Carried**

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

- 10 **[PR-CM] Planning Proposal PP11/0004 - Stage 1 of Planning Proposal for Tweed City Shopping Centre at Lot 22 DP 23659; No. 24 Kirkwood Road; Lot 21 DP 23659; No. 26 Kirkwood Road; Lot 20 DP 23659; No. 28 Kirkwood Road; Lot 19 DP 23659; No. 30 Kirkwood Road**

393

**Cr W Polglase  
Cr P Youngblutt**

**PROPOSED** that Council supports Planning Proposal PP11/0004 Stage 1 of Planning Proposal for the Tweed City Shopping Centre.

The Motion was **Lost**

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

394

**Cr K Milne  
Cr J van Lieshout**

**RESOLVED** that:

1. Council does not support Planning Proposal PP11/0004 Stage 1 of Planning Proposal for the Tweed City Shopping Centre in the immediate time frame, and
2. The request be held in abeyance and be reconsidered in the preparation of the 2012/2013 Planning Reform Unit Work Program.

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 W Polglase, Cr K Skinner**

**A NOTICE OF RESCISSION HAS BEEN RECEIVED ON ITEM 10 (MINUTE NO 394) FROM COUNCIL K SKINNER, W POLGLASE AND P YOUNGBLUTT**

**11 [PR-CM] Planning Proposal PP11/0001 - Lot 378 DP 1148511 Overall Drive, Pottsville (Black Rocks Estate)**

395

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that the Planning Proposal PP11/0001 (Local Environmental Plan amendment) for Lot 378 DP 1148511 Overall Drive, Pottsville, be referred to the Minister under Section 59 of the *Environmental Planning and Assessment Act 1979*, for the plan to be made.

The Motion was **Carried**

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

- 12      **[PR-CM] Development Application DA11/0062 for a Boundary Adjustment - Five (5) Lots into Three (3) at Lot 246, 230 DP 755701; Lot 1 DP 358918; Lot 3, 4 DP 1072659, Cudgera Creek Road, Cudgera Creek**

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**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Development Application DA11/0062 for a boundary adjustment - five (5) lots into three (3) at Lot 246, 230 DP 755701; Lot 1 DP 358918; Lot 3, 4 DP 1072659, Cudgera Creek Road Cudgera Creek 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 18151 Revision C (Proposed Subdivision) prepared by B & P Surveys Consulting Surveyors and dated 11 May 2011,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 Development Design and Construction Specifications.

[GEN0125]
3. This development consent does not approve the nominated dwelling site on Lot 2 DP 1072659 as shown in the following reports contained as Annexures to the Statement of Environmental Effects:
  - HMC Onsite Sewerage Management Design Report dated November 2010
  - Preliminary Site Contamination Investigation Report dated December 2010
  - Civil Engineering Assessment Report dated 22 November 2010, and
  - Acid Sulphate Soils Preliminary Investigation dated 9 December 2010.

[GENNS01]
4. Both proposed dwelling sites on proposed Lots 1 and 2 are to be located a minimum of 30m from the alignment of Cudgera Creek Road.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. 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]

PRIOR TO COMMENCEMENT OF WORK

6. 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.

[PCW0985]

DURING CONSTRUCTION

7. Construction and/or demolition 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 6.00pm

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]

8. All work associated with this approval is to be carried out so as not to impact on the 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 removed from the site by wind

[DUR1005]

9. 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]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

10. 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 include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:
- |                                       |          |
|---------------------------------------|----------|
| 13 Trips @ \$1125 per Trips           | \$14,625 |
| (\$1022 base rate + \$103 indexation) |          |
| S94 Plan No. 4                        |          |
| Sector8_4                             |          |
- (b) Open Space (Casual):
- |                                     |         |
|-------------------------------------|---------|
| 2 ET @ \$526 per ET                 | \$1,052 |
| (\$502 base rate + \$24 indexation) |         |
| S94 Plan No. 5                      |         |
- (c) Open Space (Structured):
- |                                     |         |
|-------------------------------------|---------|
| 2 ET @ \$602 per ET                 | \$1,204 |
| (\$575 base rate + \$27 indexation) |         |
| S94 Plan No. 5                      |         |
- (d) Shirewide Library Facilities:
- |                                    |         |
|------------------------------------|---------|
| 2 ET @ \$792 per ET                | \$1,584 |
| (\$792 base rate + \$0 indexation) |         |
| S94 Plan No. 11                    |         |
- (e) Eviron Cemetery:
- |                                     |       |
|-------------------------------------|-------|
| 2 ET @ \$120 per ET                 | \$240 |
| (\$101 base rate + \$19 indexation) |       |
| S94 Plan No. 13                     |       |



- (f) Community Facilities (Tweed Coast - North)  
2 ET @ \$1305.6 per ET \$2,611  
((\$1305.6 base rate + \$0 indexation)  
S94 Plan No. 15
- (g) Extensions to Council Administration Offices  
& Technical Support Facilities  
2 ET @ \$1759.9 per ET \$3,519.80  
((\$1759.9 base rate + \$0 indexation)  
S94 Plan No. 18
- (h) Regional Open Space (Casual)  
2 ET @ \$1031 per ET \$2,062  
((\$1031 base rate + \$0 indexation)  
S94 Plan No. 26
- (i) Regional Open Space (Structured):  
2 ET @ \$3619 per ET \$7,238  
((\$3619 base rate + \$0 indexation)  
S94 Plan No. 26

[PSC0175]

11. 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]

12. 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) Identify all allotments to be created as dual occupancies.
  - (c) The creation of a 4.6 metre wide Right of Carriageway in favour of proposed Lot 1 and burdening Lot 2.

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]

13. 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]

14. 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 5.7.6 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]

15. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of telephone supply at the front boundary of the allotment has been completed.

[PSC1165]

16. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) and energising has been provided to each allotment.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1175]

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

1. A 10 metre APZ shall be maintained around the existing dwelling.  
The APZ shall be managed as an inner protection area (IPA) as outlined within Appendices 2 and 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Landscaping within the APZ shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

**FOR VOTE - Unanimous**

- 13 [PR-CM] Development Application DA08/1069 for an Expansion of Existing Burringbar Quarry at Lot 6 DP 868345, Howards Road, Burringbar**

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**Cr D Holdom  
Cr B Longland**

**RESOLVED** that:

1. ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors)
2. Development Application DA08/1069 for an expansion of existing Burringbar quarry at Lot 6 DP 868345, Howards Road, Burringbar be approved subject to the following conditions:

**"DEFERRED COMMENCEMENT"**

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

- A. The applicant shall provide to Council an initial dilapidation report of the adjacent dwelling located at Lot 5 DP 868345.
- B. The applicant shall undertake trial blasting that reflects typical proposed operations as outlined in the Environmental Impact Statement prepared by Sinclair Knight Merz and dated 8 April 2009. Advance notification of the trial blasting is to be undertaken to the satisfaction of the General Manager or delegate.
- C. The applicant shall provide a report to Council outlining the results and recommendations of the trial blast addressing the blasting impact attenuation characteristics for the site and inclusive of a second dilapidation report of the adjacent dwelling located at Lot 5 DP 868345. The report and results shall be to the satisfaction of the General Manager or delegate.
- D. Approval or notification of exemption under the Native Vegetation Act 2003 must be gained from the Northern Rivers Catchment Management Authority for clearing of native vegetation. Should a Property Vegetation Plan arise from such approval, this plan may be regarded as the Habitat Restoration Plan for the site.

SCHEDULE "B"

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Environmental Impact Statement Revision 4 Project No. ENO1991 prepared by Sinclair Knight Merz and dated 8 April 2009, except where varied by the conditions of this consent.  
[GEN0005]
2. Progressive ecological restoration of the quarry as it descends shall be undertaken within created benches as described within the Environmental Impact Statement accompanying the application. The species list for planting in these areas must be approved by the General Manager or delegate.  
[GENNS01]
3. Restoration works must be undertaken in accordance with a Habitat Restoration Plan approved by the General Manager or delegate or a Property Vegetation Plan approved by the Northern Rivers Catchment Management Authority.  
[GENNS02]

4. Habitat to be retained and restored outside the development footprint must be protected through reclassification to Community Land or other mechanism approved by the General Manager or delegate. Such process must be commenced within one year of the date of this development consent.

[GENNS03]

5. The maximum annual rate of extraction in any 12 month period is 30,000 tonnes.

[GENNS04]

#### PRIOR TO COMMENCEMENT OF WORK

##### 6. Section 94 Contributions

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

Prior to commencement of works, all Section 94 Contributions are to be paid with the Certifying Authority having 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 include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

##### (a) Tweed Road Contribution Plan:

16.3676 Trips @ \$1124 per Trips \$18,397

(\$1021 base rate + \$103 indexation)

S94 Plan No. 4

Sector11\_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 commencement of works. 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

[PCWNS01]

7. A dust management plan shall be prepared and implemented to the satisfaction of Council's General Manager or delegate prior to the commencement of operations. The dust management plan shall incorporate appropriate mitigation measures as outlined in Section No. 6.2 of the Air Quality Assessment prepared by Sinclair Knight Merz and dated August 2008.

[PCWNS02]

8. A groundwater and surface water quality monitoring program is to be prepared and implemented to the satisfaction of Council's General Manager or delegate prior to the commencement of operations.

[PCWNS03]

9. A sediment and erosion control management plan shall be prepared and implemented to the satisfaction of Council's General Manager or delegate prior to the commencement of operations.

[PCWNS04]

10. A noise management plan shall be prepared to the satisfaction of Council's General Manager or delegate prior to the commencement of operations. The noise management plan shall incorporate ongoing community consultation and appropriate mitigation measures as outlined in Section No. 6 of the Noise Impact Assessment prepared by Sinclair Knight Merz and dated August 2008.

[PCWNS05]

11. Turning paths for typical articulated heavy vehicles that will be used for quarry operations shall be provided prior to commencement of operations that show safe exit / entry at the following locations:

- Tweed Coast Way and Cudgera Creek Road, and
- The quarry entrance and Cudgera Creek Road.

[PCWNS06]

12. Intersection / entrance driveway corner widening shall be provided prior to commencement of operations if shown to be required by the turning paths referenced in Condition 11.

[PCWNS07]

13. Chevron markers shall be provided on the bridge approaches on Cudgera Creek Road prior to commencement of operations.

[PCWNS08]

14. Vegetation shall be removed to the left and right of the entrance road on Cudgera Creek Road to improve sight distance prior to commencement of operations.

[PCWNS09]

15. Additional guideposts shall be provided on Cudgera Creek Road for better delineation of road geometry prior to commencement of operations.

[PCWNS10]

16. The existing quarry access road shall be bitumen sealed for at least the first 15 metres from the edge of the Cudgen Creek Road carriageway prior to commencement of operations.

[PCWNS11]

17. A Property Vegetation Plan approved under the Native Vegetation Act 2003 or, in its absence, a Habitat Restoration Plan formulated in accordance with Council Draft Guidelines and which demonstrates restoration of native vegetation impacted by the proposed development to the satisfaction of Council must be submitted for approval by the General Manager or delegate prior to commencement of works.

[PCWNS12]

18. Prior to commencement of works and prior to removal of vegetation, the site must be inspected at dusk by a suitably qualified and experienced fauna ecologist familiar with microhabitat requirements and the behavioural patterns of rainforest and wet sclerophyll-dependent fauna species for signs of activity. Should any threatened species or other native fauna be located within vegetation to be cleared, they must be collected and released into adjoining unaffected suitable habitat the next evening.

[PCWNS13]

## USE

19. 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]

20. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

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

- \* 7:00am to 5:00pm - Mondays to Fridays
- \* 7:00am to 12:00pm - Saturdays
- \* No operations are to be carried out on Sundays or Public Holidays except for emergency requirements.

- \* All deliveries and pickups relating to the business are to occur within the approved hours
- \* During the approved hours the following annual restrictions apply to specific quarry operations:

Activity	Total
Blasting	2 periods.
Drilling	200hrs.
Screening & Crushing	500hrs.
Loading and Transport	2700 truck movements.

An operational log book is to be maintained at all times and shall be made available to Council's Building & Environmental Health Unit upon request.

[USE0185]

22. A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis on the days that quarry activities are undertaken (including 24 hours pre-and post-event). Local, directly affected residents shall be notified by means of an individual letter drop a minimum of fourteen (14) days prior to crushing, screening, drilling or blasting activities.

[USE0215]

23. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

24. All containers, whether or not empty, which contain or once contained potentially contaminated materials, mechanical parts and the like shall be stored to the satisfaction of Council's General Manager or his delegate.

[USE1045]

25. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate.

[USE1055]

26. All quarry operations shall be undertaken in accordance with the approved Noise Management Plan, Dust Management Plan and Sediment & Erosion Control Management Plan.

[USENS01]

27. Vegetation shall be removed or lopped only as strictly necessary to complete the proposed works. Boundaries of significant vegetation to be retained must be clearly marked in the field with highly visible traffic control barriers prior to the commencement of any clearing operations. No machinery is to traverse beyond the marked boundaries. All tree-felling and vegetation removal must be undertaken so as to avoid damage to remaining native vegetation.



[USENS02]

28. Topsoil removed during construction must be stockpiled and reused within restoration areas to improve re-vegetation success.

[USENS03]

The Motion was **Carried**

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

- 14 [PR-CM] Development Application DA10/0178 for the Erection of an Attached Dual Occupancy at Lot 2 DP 1058988, No. 1 Kennedy Drive, Tweed Heads**

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**Cr D Holdom**  
**Cr B Longland**

**RESOLVED** that Development Application DA10/0178 for the erection of an attached dual occupancy at Lot 2 DP 1058988, No. 1 Kennedy Drive Tweed Heads be approved subject to the following conditions:

**GENERAL**

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

Title	Prepared by	Dated
SK01 – Site Layout (as highlighted and excluding driveway details)	Luke Stephens Building Design	12/10/2010
SK02 - Lower Level Floor Plan	Luke Stephens Building Design	12/10/2010
SK03 – Upper Floor Plan	Luke Stephens Building Design	12/10/2010
SK05 – South and East Elevations	Luke Stephens Building Design	12/10/2010
SK06 – North and West Elevations	Luke Stephens Building Design	12/10/2010
SK07 – 3D views	Luke Stephens Building Design	12/10/2010
SK08 – 3D views	Luke Stephens Building Design	12/10/2010

SK09 – Section A	Luke Stephens Building Design	12/10/2010
Cut and Fill Plan (CF1)	Planit Consulting	1/6/2011
SK3 – Driveway Plan (Issue E, as amended in red)	Cozen Reagan Williams Prove	01/11
SK4 – Driveway Longitudal and Cross Sections (Issue C)	Cozen Reagan Williams Prove	10/10
SK5 – Driveway Longitudal and Cross Sections (Issue B)	Cozen Reagan Williams Prove	10/10

2. Driveway gradients shall comply with Plan No SK 7 (Issue A) prepared by Cozen Reagan Williams Prove and dated 06/11. This plan takes precedence over gradient information contained in all other plans.  
[GEN0005]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.  
[GEN0265]
6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.  
[GEN0300]
7. This development consent does not include demolition of the existing structures on the subject site. A separate approval will need to be obtained for this purpose, as statutorily required.  
[GEN0305]
8. A person must not carry out vegetation clearing of the following koala food trees of three metres or more in height on land identified as 'Tweed Coast Koala Habitat Study Area' on the map entitled "Tree Preservation Order (2011)" dated 15 February 2011: Swamp Mahogany Eucalyptus Robusta, Forest Red Gum E. Tereticornis, Tallowwood E. Microcorys, Grey Gum E. Propinqua.  
[GENNS01]
9. All habitable rooms shall have operable windows.  
[GENNS02]

10. Dwellings shall have an acoustic seal on the front door to reduce noise transmission from Kennedy Drive.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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.

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

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:
- |                                     |       |
|-------------------------------------|-------|
| 1.3 Trips @ \$656 per Trips         | \$853 |
| (\$596 base rate + \$60 indexation) |       |
| S94 Plan No. 4                      |       |
| Sector1_4                           |       |
- (b) Open Space (Casual):
- |                                     |       |
|-------------------------------------|-------|
| 0.75 ET @ \$526 per ET              | \$395 |
| (\$502 base rate + \$24 indexation) |       |
| S94 Plan No. 5                      |       |
- (c) Open Space (Structured):
- |                                     |       |
|-------------------------------------|-------|
| 0.75 ET @ \$602 per ET              | \$452 |
| (\$575 base rate + \$27 indexation) |       |
| S94 Plan No. 5                      |       |
- (d) Shirewide Library Facilities:
- |                                    |       |
|------------------------------------|-------|
| 0.75 ET @ \$792 per ET             | \$594 |
| (\$792 base rate + \$0 indexation) |       |
| S94 Plan No. 11                    |       |

- (e) Bus Shelters:
  - 0.75 ET @ \$60 per ET \$45
  - (\$60 base rate + \$0 indexation)
  - S94 Plan No. 12
- (f) Eviron Cemetery:
  - 0.75 ET @ \$120 per ET \$90
  - (\$101 base rate + \$19 indexation)
  - S94 Plan No. 13
- (g) Extensions to Council Administration Offices  
& Technical Support Facilities
  - 0.75 ET @ \$1759.9 per ET \$1319.93
  - (\$1759.9 base rate + \$0 indexation)
  - S94 Plan No. 18
- (h) Cycleways:
  - 0.75 ET @ \$447 per ET \$335
  - (\$447 base rate + \$0 indexation)
  - S94 Plan No. 22
- (i) Regional Open Space (Casual)
  - 0.75 ET @ \$1031 per ET \$773
  - (\$1031 base rate + \$0 indexation)
  - S94 Plan No. 26
- (j) Regional Open Space (Structured):
  - 0.75 ET @ \$3619 per ET \$2714
  - (\$3619 base rate + \$0 indexation)
  - S94 Plan No. 26

[PCC0215]

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:

Water DSP4:	1 ET @ \$11571 per ET	\$11571
Sewer Tweed Heads:	1 ET @ \$5560 per ET	\$5560

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

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

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

[PCC0265]

13. 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 the approval of the General Manager or his delegate.

[PCC0465]

14. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

15. The footings, floor slab and site retaining shall be designed by a practising Structural Engineer after consideration of a site stability report prepared by a practising geotechnical engineer and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

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

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

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) 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.

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

[PCC1145]

17. 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]

18. Prior to the issue of a Construction Certificate, applications shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for the following works (as applicable, but not limited to);

- (a) Water
- Provision of individual water meters for each dwelling,
- (b) Sewerage,
- (c) Drainage works,
- Erosion and sediment control works.

The Legal Point Of Discharge for piped stormwater for the development is via connection into the existing piped drainage within the site.

[PCC1195]

19. The construction of any retaining wall must at no time result in additional overland flow discharging upon neighbouring properties. Where applicable, catch drains are to be provided along the top side of retaining walls, in accordance with Council's *Development Design Specification D6 – Site Regrading*.

The retaining wall in the north western corner of the site must be set back at least 500mm from the western property boundary and provide appropriate drainage along the top of the retaining wall.

Detailed engineering plans of cut/fill levels, retaining walls and perimeter drainage shall be submitted with a S68 Stormwater application for Council approval.

[PCCNS01]

20. A detailed Geotechnical Report, prepared by a suitably qualified geotechnical engineer shall be prepared and submitted to Principal Certifying Authority, advising of site's stability and confirming the suitability of the proposed development, prior to the issuing of any Construction Certificate.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

21. 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]

22. 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]

23. 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]

24. 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]

25. 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]

26. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

27. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

28. 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]

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

[PCW1005]

30. 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]

#### DURING CONSTRUCTION

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

[DUR0005]

32. Construction and/or 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 6.00pm

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]

33. 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.

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

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  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]

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

[DUR0245]

35. 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]

36. 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]

37. 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]

38. 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]

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

[DUR0445]

40. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

41. 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 A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

42. 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]

43. 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]

44. 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 an Occupation Certificate.

[DUR0995]

45. All work associated with this approval is to be carried out so as not to impact on the 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 removed from the site by wind

[DUR1005]

46. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.  
[DUR1015]
47. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.  
[DUR1045]
48. 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 Development Design and Construction Specifications prior to any use or occupation of the buildings.  
[DUR1875]
49. No portion of the structure may be erected over any existing easement. The building shall be designed so that no structural load will be imposed on services within the easement.  
[DUR1945]
50. Any retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.  
[DUR1955]
51. 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/demolition.  
[DUR2185]
52. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.  
[DUR2205]
53. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.  
[DUR2425]
54. 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]

55. 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]
56. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
57. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
58. 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]
59. 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]
60. 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.
- [DUR2615]
61. Air conditioning units, heat pump water systems and any other mechanical plant and equipment shall be located and installed so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.
- [DURNS01]
62. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 68 of the Local Government Act. The proponent shall liaise with Councils Engineering and Operations Division to arrange suitable inspections, as required.
- [DURNS02]

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

63. 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]

64. 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]

65. Prior to the issue of an occupation certificate,
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
  - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

66. 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 professionally 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]

67. 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]

68. 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]

69. Prior to the issue of an Occupation Certificate, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.

[POCNS01]

70. All constructed retaining structures in excess of 1.2m in height are to be certified by a suitably qualified geotechnical/structural engineer.

The certification is to be submitted to the Principle Certifying Authority and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

[POCNS02]

71. Prior to the issue of an Occupation Certificate, a certificate from a registered Geotechnical Engineer shall be submitted to the Principal Certifying Authority, certifying that the site is stable and is suitable for its intended use.

[POCNS03]

## USE

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

[USE0225]

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

[USE0435]

74. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[USE0735]

75. All externally mounted air conditioning units, heat pump water systems, and any other mechanical plant and equipment shall be acoustically treated where required by Council's Environmental Health Officer so as to avoid the creation of offensive or intrusive noise to any occupant of neighbouring or adjacent premises.

[USENS01]

76. Air conditioning units, heat pump water systems and any other mechanical plant and equipment shall not be operated should it be heard in a habitable room of a residence during restricted hours or at any other time should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[USENS02]

The Motion was **Carried**

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

- 15 [PR-CM] Development Application DA10/0360 for a Six (6) Lot Community Title Subdivision at Lot 205 DP 755721; Lot 5 DP 821963, No. 532 Upper Burringbar Road, Upper Burringbar**

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**Cr P Youngblutt**  
**Cr W Polglase**

**RESOLVED** that Development Application DA10/0360 for a six (6) lot community title subdivision at Lot 205 DP 755721; Lot 5 DP 821963, No. 532 Upper Burringbar Road, Upper Burringbar 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 Plans;
  - Drawing Titled "Plan of Proposed Community Title Subdivision of Lot 5 DP 821963 and Lot 205 DP 755721 at Burringbar" Revision G, prepared by Brown and Hann, dated 27-01-10,and
  - Drawing No. A3-4206-D02 A,
  - Drawing No. A3-4206-D03 A,
  - Drawing No. A3-4206-D04 A,
  - Drawing No. A3-4206-D08 A,
  - Drawing No. A3-4206-D09 A,
  - Drawing No. A3-4206-D10 A,
  - Drawing No. A3-4206-D11 A,
  - Drawing No. A3-4206-D12 A,



- Drawing No. A3-4206-D13 A,  
prepared by Tweed Coast Consulting Engineers Pty Ltd, dated July 09,  
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 Development Design and Construction Specifications.

[GEN0125]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

4. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Geotechnical Engineering Assessment Report, prepared by Border-Tech and dated 4 February 2010, except where varied by the conditions of this consent.

All individual house sites are subject to further geotechnical testing at time of building approval.

[GENNS01]

5. The proposal for Road Closure within the subject allotment is subject to a separate application under the Roads Act and does not form part of this consent.

[GENNS02]

6. No Primary Koala food trees Tallowwood (*Eucalyptus microcorys*), may be removed without separate approval from the Director Planning and Regulation or his delegate. These trees must be protected throughout the development site during construction works and the operational phases of the development.

[GENNS03]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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 as set out in Council's fees and charges at the time of payment.

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 Certificate is issued.

[PCC0275]

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

[PCC0285]

9. Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>o</sup> (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan endorsed by Council. This Plan shall accompany the Construction Certificate application.

Such Plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

10. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Controlled Activity Approval (CAA) under the Water Management Act 2000 has been obtained for works within 40m of waterfront land (as defined under the Water Management Act 2000) or any works that involve an aquifer interference activity as defined under the Water Management Act 2000.

[PCC0575]

11. 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]

12. Prior to the issue of a Construction Certificate for civil works, the following detail in accordance with Councils 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. Unless agreed otherwise by Council, the detailed plans shall include (but are not limited to) the following:

- earthworks
- roadworks/furnishings
- Upgrade of the intersection of Upper Burringbar Road and the unnamed Public Lane servicing the development to provide a Type AUR Right Turn Treatment in accordance with AUSTRROADS Pt 5 "Intersections at Grade", giving particular attention to sight distance.
- Upgrade of the unnamed Public Lane to provide:
  - a minimum 4.5m sealed pavement upon a 6.5m formation,
  - widening of the seal to 6.0m (minimum) to accommodate passing areas of minimum length 20m, between chainage 100 and the creek crossing and near chainage 320.
  - a cul-de-sac head of 18m dia with full kerb and gutter.
  - concrete lined table drains where longitudinal grades are less than 0.5% or between 5% and 8%. Where longitudinal grades exceed 8%, kerb and gutter is to be provided.
- Construction of a complying, private access road to service the development, providing:
  - a minimum 4.5m sealed pavement upon a 6.5m formation, with passing bays in accordance with the NSW Rural Fire Service, Planning For Bushfire Protection, 2006.
  - concrete lined table drains or kerb and gutter where longitudinal grades exceed 8%.
  - a standard driveway layback off the public road cul-de-sac to service the development.
- Individual, complying driveways providing a minimum 3m wide, 2 coat bitumen sealed.
- stormwater drainage, including replacement of the existing causeway with box culverts.
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits

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 Councils *Development Design Specification D7 - Stormwater Quality*.  
[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]
15. The Construction Certificate Application must include a detailed Hydraulic Report confirming that the proposed culverts over Burringbar Creek provide flood immunity to the Q10 storm event.  
In accordance with the NSW Rural Fire Service, Planning For Bushfire Protection, 2006 the crossing must be capable of carrying a fire fighting load of 15 tonnes.  
[PCCNS01]
16. Prior to issue of the construction certificate, the applicant is to submit a Habitat Restoration Plan in accordance with Council's draft guidelines attached to this consent detailing additional environmental enhancement works across the site. The Habitat Restoration Plan must be approved to the satisfaction of Council's Director of Planning and Regulation or delegate prior to commencement of works. The plan is to include planting (including koala food trees) in areas unaffected by any subdivision works and riparian zone restoration. The Habitat Restoration Plan is to be incorporated into the Community Management Statement and a funding mechanism established and approved by Council.
17. Prior to issue of the construction certificate, a Threatened and Significant Protected Species Management Plan for Koalas, Playtpus, threatened rainforest flora and any other threatened species known from or found on the site or as a result of the proposed works is to be lodged and approved to the satisfaction of Council's Director of Planning and Regulation or delegate, in accordance with Council's draft guidelines attached to this consent. The Plan is to identify and protect any known or potential threatened and significant protected species locations and habitat on the subject land and outline measures to reduce known threats or impacts to the species. The Threatened and Significant Protected Species Management Plan is to be incorporated into the Community Management Statement and a funding mechanism established and approved by Council.

18. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17 degrees or steeper, such slopes shall be densely planted with local native species in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

19. The proponent shall accurately locate and identify any existing 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]

20. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

21. 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, 3<sup>rd</sup> 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]

22. 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 Development 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 appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and

- (iv) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
  - (v) 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]

23. The proponent shall provide to the PCA 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]

24. 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.

[PCW0985]

#### DURING CONSTRUCTION

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

[DUR0005]

26. Construction and/or demolition 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 6.00pm

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]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  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]

28. 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]

29. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

30. 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]

31. 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.

[DUR0995]

32. All work associated with this approval is to be carried out so as not to impact on the 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 removed from the site by wind

[DUR1005]

33. Any watercourse crossing is to be in compliance with current NSW Fisheries Policy and Guidelines for Bridges, Roads, Causeways, Culverts and Similar Structures.

[DUR1205]

34. 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]

35. Before the commencement of the relevant stages of road construction, 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]

36. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development 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]

37. 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]



38. Any damage caused to public infrastructure (roads or services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate.

[DUR1875]

39. 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. Inspection fees are based on the rates contained in Council's current Fees and Charges:-

Road and Driveway works

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

Drainage

- (a) Excavation
- (b) Footings
- (c) Bedding
- (d) Laying/jointing
- (e) Structures
- (f) Backfilling
- (g) Permanent erosion and sedimentation control measures
- (h) Drainage channels
- (i) Final inspection - on maintenance
- (j) Off maintenance

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]

40. The developer/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]

41. 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]

42. The development must be undertaken in accordance with the requirements of the approved Habitat Restoration Plan and Threatened Species Management Plan.

43. 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 any exposed areas. Parameters to be measured include pH, suspended solids (mg/L), salinity (ppt), Total N and Total P. Any runoff to the creek that breaches ANZECC guidelines for receiving waters shall be reported to Council and will include adaptive management measures proposed to rectify the breach.

[DURNS01]

44. Dogs and cats are prohibited from entering this locality by a covenant applying to this land. All persons associated with the development of this site and construction of this building/subdivision are prohibited from permitting any such domestic animals to enter this subdivision locality. Please note that this prohibition also applies to all contractors, sub-contractors and other trades persons accessing this site.

45. The consent holder is responsible for installation and maintenance of signage sufficient to clearly indicate the prohibition of cats and dogs at any and all entrances to the development at all times.

46. Trail bike riding is prohibited within the environmental protection areas described in the approved Habitat Restoration Plan.

47. All works and use of the site must comply with the approved Threatened Species Management Plan.

[USENS01]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

48. 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]

49. 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 include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

(a) Tweed Road Contribution Plan:

19.5 Trips @ \$1124 per Trips	\$21,918
(\$1021 base rate + \$103 indexation)	
S94 Plan No. 4	
Sector11_4	

(b) Open Space (Casual):

3 ET @ \$526 per ET	\$1,578
(\$502 base rate + \$24 indexation)	
S94 Plan No. 5	

(c) Open Space (Structured):

3 ET @ \$602 per ET	\$1,806
(\$575 base rate + \$27 indexation)	
S94 Plan No. 5	

(d) Shirewide Library Facilities:

3 ET @ \$792 per ET	\$2,376
(\$792 base rate + \$0 indexation)	
S94 Plan No. 11	

- (e) Eviron Cemetery:  
3 ET @ \$120 per ET \$360  
(\$101 base rate + \$19 indexation)  
S94 Plan No. 13
- (f) Community Facilities (Tweed Coast - North)  
3 ET @ \$1305.6 per ET \$3,917  
(\$1305.6 base rate + \$0 indexation)  
S94 Plan No. 15
- (g) Extensions to Council Administration Offices  
& Technical Support Facilities  
3 ET @ \$1759.9 per ET \$5,279.70  
(\$1759.9 base rate + \$0 indexation)  
S94 Plan No. 18
- (h) Regional Open Space (Casual)  
3 ET @ \$1031 per ET \$3,093  
(\$1031 base rate + \$0 indexation)  
S94 Plan No. 26
- (i) Regional Open Space (Structured):  
3 ET @ \$3619 per ET \$10,857  
(\$3619 base rate + \$0 indexation)  
S94 Plan No. 26

[PSC0175]

50. 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]

51. A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PSC0235]

52. 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]

53. 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 clearly identify private and public infrastructure and must 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 (WAX) plans.

[PSC0735]

54. 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]

55. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act.

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]

56. 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]

57. 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]

58. 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 5.7.6 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]

59. 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 and Driveway Access
- (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]

60. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

61. 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 deemed by Council to be a safety risk 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]

62. Prior to issue of Subdivision Certificate a final Community Management Statement is to be submitted to and approved by Council. The statement is to include provisions for (but not be limited to) the use of the access road by emergency services, bona fide members of the public and public authorities.

The statement must also provide a Utility Services Plan, showing works as executed (WAE).

[PSC1005]

63. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and culverts installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

64. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply to proposed Lots 2 to 6 has been completed.

[PSC1165]

65. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) and energising has been provided to proposed Lots 2 to 6.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1175]

66. Prior to the issue of subdivision certificate the applicant shall decommission the existing on-site sewage system including the septic tank and effluent disposal area servicing the existing dwelling on proposed Lot 6 in accordance with the guideline Advisory Note 3 dated May 2006 prepared by NSW Health. Following the decommissioning the applicant shall provide to Council a certification statement from a NSW licensed plumber confirming the decommissioning has been completed in accordance with Advisory note 3.

[PSCNS01]

67. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the subdivision is required to provide a pit and conduit network to allow for the installation of fibre to the home (FTTH) broadband services.

[PSCNS02]

68. A Restriction As To User shall be created over all lots such that:

- a) Areas external to the nominated building sites, asset protection zones and existing cleared areas on each lot are to be maintained and restored for conservation purposes in accordance with the approved Habitat Restoration Plan. . Burden: Each lot. Benefit: Tweed Shire Council.
- b) Any boundary and internal fencing must be fauna-friendly to permit the unhindered dispersal of fauna across the site.
- c) Restriction as to user regarding no dogs or cats permitted on the site at any time. Burden: Each lot on the subject site. Benefit: Tweed Shire Council
- e) Restriction as to user regarding protection of all Koala food tree species on the site of 3m or greater in height. Burden: Each lot on the subject site. Benefit: Tweed Shire Council
- f) Restriction as to user regarding building only within the designated building envelope. Burden: Each lot on the subject site. Benefit: Tweed Shire Council

69. All future owners are to be provided with a copy of an Environmental Education Brochure which describes owners obligations in regard to environmental protection and management.

70. Habitat restoration works must be completed to a level specified in the approved Habitat Restoration Plan prior to the release of the subdivision certificate and shall be maintained at all times to the satisfaction of the General Manager or his delegate. Trees identified for retention in the Habitat Restoration Plan shall not be removed without separate Council approval.

[PSCNS03]



## GENERAL TERMS OF APPROVAL UNDER THE FISHERIES MANAGEMENT ACT

1. The watercourse crossing design used at chainage 200-220 is to be consistent with fish passage requirements outlined in DPI Fisheries Guidelines for Fish Friendly Watercourse Crossings and Why do fish need to cross the road? available respectively at:  
[http://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0004/202693/Why-do-fish-need-to-cross-the-road\\_booklet.pdf](http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/202693/Why-do-fish-need-to-cross-the-road_booklet.pdf)  
[http://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0003/202692/Fish-friendly-waterway-crossings-Policy-and-guidelines.pdf](http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0003/202692/Fish-friendly-waterway-crossings-Policy-and-guidelines.pdf)
2. A permit under s198-202 of the *Fisheries Management Act* 1994 for dredge and reclamation activities be obtained prior to commencement of the works associated with the waterway crossing.
3. Environmental safeguards (silt curtains, booms etc.) are to be utilised during construction of the new driveway approaches to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works. Dewatering works are to be undertaken consistent with Best Management Practice to avoid the release of sediment downstream.
4. Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless surrounded by sediment control measures.
5. Works be undertaken during periods of low flow
6. To ensure minimal risk of water pollution from oil or petroleum products and to minimise disturbance to the streambed substrate machinery is not to enter, or work from the waterway unnecessarily.
7. Floating silt booms and/or hay bales wrapped in geo-textile fabric are to be used to minimise impacts of turbidity and mobilised sediment during the construction and removal of the causeway to minimise the impact of the works at the site and on downstream habitats.
8. No snags (large woody debris) are to be removed, realigned or relocated without first consulting DPI Fisheries as "Removal of large woody debris" is listed as a Key Threatening Process under the provisions of the *Fisheries Management Act* 1994.
9. Damage to riparian vegetation is to be minimised and any damage caused is to be restored as "Decline in native riparian vegetation" is listed as a Key Threatening Process under the provisions of the *Fisheries Management Act* 1994.
10. On completion of the works the site is to be rehabilitated and stabilised. Surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works are to be removed.

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

1. The existing managed areas as detailed within the Bushfire Hazard Assessment Report prepared by Building Code and Bushfire Hazard Solutions Pty Ltd, dated 5 February 2010, ref. 80463, Attachment 1, shall continue to be managed as an inner protection area (IPA) as outlined within Appendices 2 and 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
2. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
3. The entire access road shall comply with section 4.1.3(1) of Planning for Bush Fire Protection 2006. A perimeter road and secondary access road are not required in this case.
4. Road widths shall comply with Table 4.1 in Planning for Bush Fire Protection 2006.
5. If the existing dwelling is to remain, it is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**16 [PR-CM] Development Application DA10/0342.04 for an Amendment to Development Consent DA10/0342 for Dwelling Additions and Retaining Wall at Lot 19 DP 737064, No. 54 Parkes Lane, Terranora**

400

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Development Application DA10/0342.04 for an amendment to Development Consent DA10/0342 for dwelling additions and retaining wall at Lot 19 DP 737064, No. 54 Parkes Lane, Terranora be approved subject to the original conditions of consent and the following new/altered conditions:

1. Delete Condition No. 1 which reads:

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent, subject to a revised plan being submitted which alters the layout of the proposed bathroom on the mezzanine floor of the proposed outbuilding to limit the facilities within, to correspond with the proposed adjoining rumpus room use, to the satisfaction of the Director Planning and Regulation.

and replace with Condition No. 1A which reads:

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

2. Delete Condition No. 4 which reads:

4. A detailed plan of landscaping is to be submitted and approved by the PCA prior to the issue of a Construction Certificate. Such plan is to detail particular species and densities of plants located within the southern, eastern and northern setbacks of the development which upon reaching maturity will minimise impact from the development onto surrounding properties.

and replace with Condition No. 4A which reads:

- 4A. A detailed plan of landscaping is to be submitted and approved by the PCA prior to the issue of a Construction Certificate. Such plan is to detail particular species and densities of plants located within the southern, eastern and northern setbacks of the development which upon reaching maturity will minimise impact from the development onto surrounding properties. Planting along the eastern side of the additions shall be located on top of the existing retaining wall to maximise the screening effect.

3. Insert new Condition No. 45.1 which reads:

- 45.1 Prior to the issue of an occupation certificate or occupation of the dwelling house additions, screens which will restrict direct visual contact with adjoining premises shall be installed to the outside of windows to the eastern wall of the media room, rumpus room and office.

4. Delete Condition No. 47 which reads:

47. The building is not to be used for any habitable commercial or industrial purpose.

and replace with Condition No. 47A which reads:

- 47A. The garage is not to be used for any habitable commercial or industrial purpose.

5. Delete Condition No. 48 which reads:

48. The garage/rumpus must not be used for human habitation or occupation.  
and replace with Condition No. 48A which reads:  
48A. The garage/rumpus must not be used for separate human habitation or occupation.
6. Include the following new condition under the USE heading which reads:
  50. The proposed dwelling additions shall be used for single dwelling purposes only in conjunction with the existing dwelling.

The Motion was **Carried**

**FOR VOTE - Unanimous**

- 17 **[PR-CM] Development Application DA10/0844 for a Greyhound Racing Facility at Lot 1 DP 1069561 Wardrop Valley Road; Lot 519 DP 1132400, Lundberg Drive, South Murwillumbah**

401

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Development Application DA10/0844 for a Greyhound Racing Facility at Lot 1 DP 1069561 Wardrop Valley Road; Lot 519 DP 1132400, Lundberg Drive, South Murwillumbah be approved subject to the following conditions:

**"DEFERRED COMMENCEMENT"**

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

**Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.**

**A. Geotechnical**

Geotechnical engineering certification is to be provided for proposed Lot 1000 and surrounding allotments (proposed Lots 901, 902, 903, 904 and Lot 1101 - drainage reserve) to certify that settlement has terminated and these lots are capable of being developed without the need for special construction techniques or foundation types.

The certification is to ensure the greyhound racing facility and associated service and road infrastructure can be developed without special construction techniques. Settlement plate information is to be provided with the geotechnical certification to validate settlement has stopped.

B. Stormwater treatment

A legal point of discharge is to be provided for the proposed greyhound facility. The drainage reserve or wetland (proposed Lot 1101) is to be constructed in accordance with the approved construction certificate and conditions of consent for DA02/1685 (Industrial subdivision) and Council's development and design specifications. An inspection with Council officers is required to 'sign off' on the proposed drainage reserve prior to commencement of the consent.

C. Road Infrastructure

The extension of Thornbill Drive is required to be completed in accordance with the approved construction certificate and conditions of consent for DA02/1685 (Industrial subdivision) and Council's development and design specifications. An inspection with Council officers is required to 'sign off' on the proposed road infrastructure, prior to commencement of the consent.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos BDYM10C prepared by P Hurcombe and dated 19/11/2010, Plan Nos T101378 prepared by Kelley Covey and dated 09/12/2010, Plan Nos DA.0000, DA.1001, DA.2100, DA.2101, DA.3101, DA.3102, DA.3201 prepared by Sparc and dated 20/12/2010, 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 approved 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. For events larger than 160 people in attendance, a Traffic Management Plan is to be submitted to Council's General Manager or Delegate for approval prior to the event. Such a plan would detail additional car parking facilities and other transport measures that will be provided so that the event does not adversely impact upon the local area.

[GENNS01]

- 5.1 Appropriately sized rainwater tank/s is/are to be erected in conjunction with the kennels, so that harvested water can be used for cleaning out the kennels.

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. The developer shall provide 109 parking spaces (comprising 96 spaces for the general public and staff and 12 car/trailer spaces for greyhound trailers) including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate.

[PCC0065]

7. 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 include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:  
32.07 Trips @ \$1166 per Trips \$37,394  
(\$1060 base rate + \$106 indexation)  
S94 Plan No. 4  
Sector9\_4

[PCC0215/PSC0175]

8. 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]

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

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

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

Water DSP2:	3.772 ET @ \$11571 per ET	\$43645.80
Sewer Murwillumbah:	6.146 ET @ \$5560 per ET	\$34171.80

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

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

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

[PCC0265/PSC0165]

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

[PCC0285]

11. 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]



12. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

13. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) All building materials used below Council's design flood level must not be susceptible to water damage.
  - (b) 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 and provide appropriate earth leakage devices.
  - (c) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

14. 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]

15. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -
- (a) Vehicular access

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]

16. 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.
  - (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.
    - (ii) Water Sensitive Urban Design principles are encouraged for the proposed greyhound track.

[PCC1105]

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

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

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

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

[PCC1145]

18. 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]

- 19. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

- 20. Prior to issue of construction certificate the applicant is to submit an 'Application for Plan Approval Fit-out Details', with appropriate fees, and to be granted Council approval for the fit-out of the premises.

[PCCNS01]

- 21. The car parking driveway entrance is to be redesigned in accordance with AS2890.1 – Part 1: Off street car parking. The carparking driveway entrance as shown has poor delineation from Thornbill Drive with unnecessary vehicle conflict points, as three carparking aisles converge at one location. The re-design of the car park entrance is to address the above design issues.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

- 22. 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]

23. 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]

24. 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]

25. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

26. 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]

27. 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]

#### DURING CONSTRUCTION

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

[DUR0005]

29. Construction and/or demolition 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 6.00pm

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]

30. 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]

31. 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]

32. 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]

33. 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 topsoil to be respread and the battered areas around the track are to be grassed and landscaped within 2 weeks of the fill being placed.
- [DUR0755]
34. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
35. 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]
36. 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]
37. All work associated with this approval is to be carried out so as not to impact on the 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 removed from the site by wind
- [DUR1005]
38. 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 eg. 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 meters.
- Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

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

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

[DUR1495]

39. 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]

40. 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]

41. 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]

42. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Councils Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation.

[DUR1575]

43. 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]

44. 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 Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

45. 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]

46. 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]

47. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.

[DUR1955]

48. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]

49. 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]

50. 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]

51. 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]

52. 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]

53. 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]



54. 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]

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

[DUR2595]

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

[DUR2685]

57. Construction of the facility shall be undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated November 2010 (crgref: 10343a report)

[DURNS01]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

58. 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]

59. A noise management plan including recommendations from Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics dated November 2011 (creref: 10343a report) shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such a management plan shall be submitted and approved prior to the issue of the occupation certificate.

[POC0125]

60. 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]

61. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.  
[POC0225]
62. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.  
[POC0475]
63. 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]
64. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124.  
[POC0625]
65. The premises 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]
66. 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]
67. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.  
[POC0755]
68. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.  
[POC0985]
69. 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]

70. Prior to issue of an occupation certificate, certification from an appropriately qualified acoustic consultant shall be submitted detailing that the construction of the facility has been undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated November 2010 (crgref: 10343a report).

[POCNS01]

## USE

71. 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]

72. 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]

73. Hours of operation of the business are restricted to the following hours unless otherwise approved by the Director Planning and Regulation:

- \* 7:00am to 6:00pm seven days per week.
- \* All deliveries and pickups relating to the business are to occur within the approved hours.

[USE0185]

74. Lighting to illuminate the greyhound racing track is not permitted. All externally mounted security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

75. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated November 2010 (crgref: 10343a report) and approved noise management plan.

[USE0305]

76. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

77. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.  
[USE0845]
78. All wastes shall be collected, stored and disposed of in accordance with the Waste Management Plan prepared by Mark Rigby & Associates Pty Ltd dated December 2010 approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.  
[USE0875]
79. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
80. Clinical veterinarian wastes shall be separated from the general waste stream and disposed via a 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]
81. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.  
[USE1035]
82. All activities shall be carried out in accordance with the requirements of the NSW Office of Liquor, Gaming and Racing (OLGR).  
[USE1085]
83. Approval is granted for one (1) race meeting per week and three (3) trials per week only, with any departures being subject to the approval of the Director Planning and Regulation. The proposed three trials per week should be confirmed prior to the issue of an occupation certificate.

The Motion was **Carried**

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

**18 [PR-CM] Equestrian Pad Compliance Matter- Lot 7 DP 826941 No. 308 Tomewin Road, Dungay**

This item was dealt with in confidential session (Minute No C44 and 442 refers).

**19 [PR-CM] Tweed Development Control Plan Section B24 - Area E Urban Release Development Code**

402

**Cr D Holdom  
Cr K Skinner**

**RESOLVED** that

1. The report on Tweed Development Control Plan Section B24 – Area E Urban Release Development Code be received and noted.
2. Tweed Development Control Plan Section B24 – Area E Urban Release Development Code be publicly exhibited for a minimum period of 30 days, in accordance with section 74E of the *Environmental Planning Assessment Act 1979*.
3. Following public exhibition the Draft Tweed Development Control Plan, Section B24 – Area E Urban Release Development Code, having regard to matters arising from the public consultation and any submissions received, a further report be submitted to Council.
4. The General Manager organises an on-site workshop/inspection with all relevant staff and Councillors.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**20 [PR-CM] Tweed City Centre Vision, Local Environmental Plan and Development Control Plan**

**TEMPORARY ABSENCE FROM MEETING**

Cr P Youngblutt left the meeting at 05:58 PM

**RETURN TO MEETING**

Cr P Youngblutt has returned from temporary absence at 05:58 PM

403

**Cr D Holdom**  
**Cr J van Lieshout**

**RESOLVED** that:

1. A public hearing under s68 of the Environmental Planning and Assessment Act 1979 not be held in relation to the issues raised by way of submission to the Draft City Centres Local Environmental Plan (2009) on grounds that the issues raised by way of submission are not of such significance that they should be the subject of a public hearing before Council decides whether and, if so, what alterations should be made.
2. Council endorses the concurrent statutory re-exhibition of the Draft Tweed City Centre Vision, Local Environmental Plan (2011) and Development Control Plan in accordance with Section 66 and Section 74E of the Environmental Planning and Assessment Act 1979, for the prescribed period of 28 days.
3. A report under Section 68 of Environmental Planning and Assessment Act 1979 addressing any public submission received and consequential amendments to the Draft Plans be prepared following the public exhibition.

#### **TEMPORARY ABSENCE FROM MEETING**

Cr K Skinner left the meeting at 06:00 PM. Cr B Longland chaired the meeting.

#### **RETURN TO MEETING**

Cr K Skinner has returned from temporary absence at 06:01 PM and resumed the chair.

404

**AMENDMENT**

**Cr K Milne  
Cr B Longland**

**PROPOSED** that:

1. A public hearing under s68 of the Environmental Planning and Assessment Act 1979 not be held in relation to the issues raised by way of submission to the Draft City Centres Local Environmental Plan (2009) on grounds that the issues raised by way of submission are not of such significance that they should be the subject of a public hearing before Council decides whether and, if so, what alterations should be made.
2. Council endorses the concurrent statutory re-exhibition of the Draft Tweed City Centre Vision, Local Environmental Plan (2011) and Development Control Plan in accordance with Section 66 and Section 74E of the Environmental Planning and Assessment Act 1979, for the prescribed period of 28 days, including conducting community consultation including public presentations.
3. A report under Section 68 of Environmental Planning and Assessment Act 1979 addressing any public submission received and consequential amendments to the Draft Plans be prepared following the public exhibition.

The Amendment was **Lost**

***FOR VOTE - Cr B Longland, Cr K Milne***

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

The Motion was **Carried** (Minute No 403 refers).

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

***AGAINST VOTE - Cr K Milne***