



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

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

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Tuesday 13 December 2011

held at Murwillumbah Cultural and Civic Centre
commencing at 3.30pm

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 3.30pm.

IN ATTENDANCE

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

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology and Corporate Services), Mr Danny Rose (Acting Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

733

Cr K Skinner
Cr J van Lieshout

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

The Motion was **Carried**

FOR VOTE - Unanimous

8 [PR-CM] Development Application DA11/0471 for a Boundary adjustment at Part Lot 5 DP 1000640; No. 423 Hopkins Creek Road, Hopkins Creek; Lot 2 DP 702661; No. 473 Hopkins Creek Road, Hopkins Creek

734

**Cr D Holdom
Cr K Skinner**

RESOLVED that Development Application DA11/0471 for a boundary adjustment at Part Lot 5 DP 1000640; No. 423 Hopkins Creek Road, Hopkins Creek; Lot 2 DP 702661; No. 473 Hopkins Creek Road, Hopkins 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 Nos 21179 Sheet 1 of 1, Revision A prepared by Brown and Haan and dated 15.08.11, 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. If vegetation removal is necessary with the land zoned 1(a) Rural it is to be carried out in accordance with the provisions of the *Native Vegetation Act 2003*.
4. Fencing shall not restrict the free movement of koalas that may traverse the site from time to time and shall allow a clearance of at least 30cm at the bottom to enable koalas to move under it. If post and wire fencing is used, the bottom strand must not be barbed.

[GENNS01]

DURING CONSTRUCTION

5. 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]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

6. 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]
7. The creation of easements for services, rights of carriageway and restrictions as to user, including a Positive Covenant over the subject land to ensure that the required provisions of 'Planning for Bush Fire Protection 2006' guidelines and the

General Terms of Approval for the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity as may be applicable under Section 88B of the Conveyancing Act.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a right of carriageway or easement shall make provision for maintenance of the right of carriageway or 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 (as applicable).

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.

[PSC0835]

8. 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]

9. Prior to the issue of a subdivision certificate the applicant is required to lodge Section 68 applications to operate the existing on-site sewage management systems on existing lots 2 & 5, pay the appropriate fee and be issued with an approval. The existing systems shall be modified or upgraded as specified in that approval to the satisfaction of the General Manager or his delegate.

[PSCNS01]

10. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA) accredited BPAD certified practitioner must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.

[PSCNS02]

GENERAL TERMS OF APPROVAL

1. A 20 metre Asset Protection Zone shall be maintained around the existing dwellings. The APZs shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Property access roads shall have a minimum vertical clearance of 6 metres to any overhanging obstruction including tree branches.

3. A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
4. The existing dwellings are 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 the openable portion of the windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [PR-CM] Development Application DA10/0666 for a Two (2) Lot Subdivision and Erection of a Dwelling House at Lot 22 DP 1080322, Joshua Street, Murwillumbah

735

**Cr D Holdom
Cr W Polglase**

RESOLVED that Development Application DA10/0666 for a two (2) lot subdivision at Lot 22 DP 1080322, Joshua Street Murwillumbah be approved in accordance with Option 1 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
Proposed Subdivision Plan 18444D	B & P Surveys	3.9.2010
Location Plan 18445D, Revision B	B & P Surveys	23.8.2011
Site Plan (11-308, Sheet 1 of 5) REV B (as amended in red)	ThreeSixtyDegrees (Aust) Pty Ltd	31.08.2011
Floor Plan (11-308, Sheet 2 of 5) REV B (as amended in red)	ThreeSixtyDegrees (Aust) Pty Ltd	31.08.2011
Elevation Plan (11-308, Sheet 3 of 5) REV B	ThreeSixtyDegrees (Aust) Pty Ltd	31.08.2011
Section Plan (11-308, Sheet 4 of 5) REV B	ThreeSixtyDegrees (Aust) Pty Ltd	31.08.2011

[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. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Community and Natural Resources Division for approval of such works.

[GEN0155]

5. Council advises that the land is subject to inundation in a 1 in 100 year event to the design flood level of RL 4.9m AHD.

[GEN0195]

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. The subdivision is to be completed and evidence of registration of the plan of subdivision is to be provided, prior to the issue of a construction certificate for the dwelling.

[GENNS01]

8. The proposed acoustic barrier, to be constructed on the boundary between the existing child care centre and the proposed dwelling, is not a requirement of the subdivision. This will need to be erected in conjunction with construction of the dwelling – although it can be erected any time prior.

[GENNS02]

9. In accordance with Tweed DCP A5, the applicant must dedicate, at no cost to Council, the riparian buffer 50m wide fronting the Rous River.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. Prior to the issue of a Construction Certificate for subdivision civil works, 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/Occupation Certificate is issued.

[PCC0275]

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

[PCC0285]

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

[PCC0465]

13. 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 to create the nominated driveway and manoeuvring area for Lot 24, is to be undertaken as part of the subdivision civil works, and shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with the construction certificate application for the subdivision civil works.

[PCC0485]

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 for the dwelling. Such plan must be consistent with the landscaping provisions of Council's Development Control Plan Section A1 - Residential Development Code (Part A - Single Dwelling Houses).

[PCC0585]

15. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of RL 4.9m AHD.
- (b) The minimum habitable floor level for the building is RL 5.4m AHD.
- (c) All building materials used below Council's design flood level must not be susceptible to water damage.
- (d) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

[PCC0705]

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

OTHER

- (a) Bulk earthworks / site filling: for construction of the nominated driveway access and manoeuvring area for Lot 24.
- (b) Sewer: the provision of sewer main infrastructure to service Lot 24. In this regard the applicant is advised to investigate the most appropriate of the following options:
- A sideline junction from the existing sewer main which is within adjoining Lot 11 DP 793985. Adjoining owner's consent would be required to facilitate this work, as this section of sewer infrastructure is not covered by an easement. This connection would require a lengthy internal house service line to reach the proposed dwelling location, but would likely have lower construction and restoration costs. The depth of the existing sewer line (if too shallow) may however make this option unfeasible.
 - Construction of a new section of sewer main infrastructure (dead end line), coming from the manhole near the front of the child care buildings (BP/3) and terminating within the access handle for Lot 24. This would be much closer to the dwelling site but construction and restoration costs (due to trenching across the car park area) are likely to be higher than the previous option. Once again however, the depth of the existing manhole (if too shallow) may make this option unfeasible.
 - A further alternative, if previously mentioned existing invert levels are prohibitive, is to construct a new short dead-end line directly from manhole BP/1 (immediately upstream of the existing sewer pump station) on adjoining Lot 20 DP 873920. This would require adjoining owner's consent.
- (c) Water: extension of the existing water main infrastructure in Joshua Street to service Lot 24.

[PCC0875]

17. 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. The detailed plans shall include but are not limited to the following:
- earthworks
 - stormwater drainage
 - water supply works
 - sewerage works

- landscaping works (for fill batters)
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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]

18. A construction certificate application (for dwelling construction) 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 have been granted by Council under S68 of the Local Government Act.

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.

[PCC1145]

19. 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]

20. Prior to issue of the construction certificate the applicant shall provide certification from a suitably qualified acoustic consultant stating the design of the dwelling has been undertaken in accordance with the recommendations of the Noise Impact Assessment prepared by CRG Traffic & Acoustics Pty Ltd dated 1 August 2011 (CRGref: 11057a Letter 1_08_11), resubmitted to Council 3 November 2011 with acoustic barrier location updated.

[PCCNS01]

21. Prior to the issue of a construction certificate for the dwelling, the depicted encroachment of the dwelling in to the existing 3m wide Easement to Drain Water is to be addressed by either of the three (3) options nominated hereunder. It is noted that the rear stairs and eave overhang (north-western corner) encroach in to the easement.

- (i) Council's preferred option is to relocate the dwelling approximately 0.5m to the east, to ensure no part of the structure will encroach in to the easement.

- (ii) Retain the dwelling in its nominated location, but relocate the stairs to the eastern side of the rear landing to avoid encroaching in to the easement. For this option Council raises no objections to the encroachment of the eave overhang in to the easement area.
- (iii) Retain the dwelling in its nominated location, but firstly physically locate and mark any existing stormwater pipes and pits within the easement, and ensure the proposed stairs will be a minimum of 1m clear of any such stormwater infrastructure.

The applicant is however made aware of the risk that Council reserves the right to remove any such obstructions from within the easement, if at any time in the future any repair or maintenance work etc needs to be undertaken within the easement, and that no recourse or compensation will be available. The owner and/or occupier may have little or no notice of such actions; if emergency works need to be undertaken.

For this option Council raises no objections to the encroachment of the eave overhang in to the easement area.

[PCCNS02]

- 22. Prior to the issue of a construction certificate for the dwelling, the design and particularly the depth of any concrete edge beam slab foundations must take into consideration the dwelling's location in a high flow (flood) area. The ground level interface with the slab foundations will be prone to high erosion potential and appropriate safeguards are to be accordingly incorporated in to the foundation design.

[PCCNS03]

- 23. Detailed design of the acoustic barrier shall be submitted to Council's General Manager or delegate for approval prior to issue of a Construction Certificate for the dwelling. The design shall include a full schedule of colours, materials and landscaping to soften any visual impact of the fence and must be consistent with the recommendations of the Noise Impact Assessment prepared by CRG Traffic & Acoustics Pty Ltd dated 1 August 2011 (re-submitted to Council 3 November 2011 with acoustic barrier location updated).
- 24. Prior to issue of Construction Certificate for the dwelling, a comprehensive detailed, scaled site plan shall be submitted to Council's General Manager or delegate for approval, showing the accurate position of the dwelling, driveway and acoustic fence on the site.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

- 25. 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]

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

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

[PCW0025]

27. 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]

28. 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]

29. 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]

30. 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]

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

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

[PCW0375]

32. 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) to assume the responsibility for certifying the compliance of the completed public infrastructure, 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 civil works.

For subdivisions creating 5 new allotments or less, AND the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NPER registration.

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

33. 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]

34. 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]

35. 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

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

[DUR0005]

37. 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]

38. 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]

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

[DUR0245]

40. 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]

41. 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]

42. 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]

43. 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]

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

[DUR0445]

45. During filling operations,

- No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- All fill and cut batters shall be contained wholly within the subject land.
- All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications and to the satisfaction of the Principal Certifying Authority.

and upon completion,

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

[DUR0755]

46. 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]

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

[DUR0815]

48. 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]

49. 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]

50. 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]

51. 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]

52. 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]

53. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

54. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above RL 5.4 metres AHD. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level.

[DUR1365]

55. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

56. 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]

57. 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/access works and earthworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Final inspections - on maintenance

Water Reticulation, Sewer Reticulation, Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling

- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final inspection - on maintenance
- (i) 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]

58. 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]

59. 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]

60. 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]

61. 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]

62. 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]

63. 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]

64. The construction of the dwelling shall be undertaken in accordance with the recommendations of the Noise Impact Assessment prepared by CRG Traffic & Acoustics Pty Ltd dated 1 August 2011 (CRGref: 11057a Letter 1_08_11), resubmitted to Council 3 November 2011 with acoustic barrier location updated.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

65. 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]

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 issue of the occupation certificate the applicant shall provide certification from a suitably qualified acoustic consultant stating the construction of the dwelling has been undertaken in accordance with the recommendations of the Noise Impact Assessment prepared by CRG Traffic & Acoustics Pty Ltd dated 1 August 2011 (CRGref: 11057a Letter 1_08_11), resubmitted to Council 3 November 2011 with acoustic barrier location updated.

[POCNS01]

USE

70. 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]

71. 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]

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]

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

[USE0505]

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

[USE0735]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

75. 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]

76. 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 Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision 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:	1.2 ET @ \$11571 per ET	\$13885.20
Sewer Murwillumbah:	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.

[PSC0165]

78. 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:

6.5 Trips @ \$1166 per Trips	\$7579
(\$1060 base rate + \$106 indexation)	
S94 Plan No. 4	
Sector9_4	
Heavy Haulage Component	

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- | | | |
|-------------------------------------|--|-------|
| (b) Open Space (Casual): | | |
| 1 ET @ \$526 per ET | | \$526 |
| (\$502 base rate + \$24 indexation) | | |
| S94 Plan No. 5 | | |
| (c) Open Space (Structured): | | |
| 1 ET @ \$602 per ET | | \$602 |
| (\$575 base rate + \$27 indexation) | | |
| S94 Plan No. 5 | | |
| (d) Shirewide Library Facilities: | | |
| 1 ET @ \$792 per ET | | \$792 |
| (\$792 base rate + \$0 indexation) | | |
| S94 Plan No. 11 | | |
| (e) Bus Shelters: | | |
| 1 ET @ \$60 per ET | | \$60 |
| (\$60 base rate + \$0 indexation) | | |
| S94 Plan No. 12 | | |
| (f) Eviron Cemetery: | | |
| 1 ET @ \$120 per ET | | \$120 |
| (\$101 base rate + \$19 indexation) | | |
| S94 Plan No. 13 | | |

- | | | |
|-----|--|-----------|
| (g) | Community Facilities (Tweed Coast - North)
1 ET @ \$1325 per ET
(\$1305.6 base rate + \$19.4000000000001 indexation)
S94 Plan No. 15 | \$1325 |
| (h) | Extensions to Council Administration Offices
& Technical Support Facilities
1 ET @ \$1772.82 per ET
(\$1759.9 base rate + \$12.9199999999998 indexation)
S94 Plan No. 18 | \$1772.82 |
| (i) | Cycleways:
1 ET @ \$451 per ET
(\$447 base rate + \$4 indexation)
S94 Plan No. 22 | \$451 |
| (j) | Regional Open Space (Casual)
1 ET @ \$1042 per ET
(\$1031 base rate + \$11 indexation)
S94 Plan No. 26 | \$1042 |
| (k) | Regional Open Space (Structured):
1 ET @ \$3656 per ET
(\$3619 base rate + \$37 indexation)
S94 Plan No. 26 | \$3656 |

[PSC0175]

79. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Environmental Planning and Assessment 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.

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 the subdivision 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

[PSC0185]

80. 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]

81. Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

82. 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]

83. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

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

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;

(b) the plans accurately reflect the Work as Executed.

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

[PSC0735]

84. A Subdivision Certificate will not be issued by the General Manager until such time as all relevant conditions of this Development Consent, relating to the proposed subdivision, have been complied with.

[PSC0825]

85. 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) Easement to Drain Water – over the existing stormwater pipe and pit that comes from an existing kerb inlet pit at the northern end of Joshua Street, and traverses the SE corner of the site.

Also a check of the existing child care centre's stormwater discharge line(s) will be necessary, to determine if any Drainage Easements will be required over any stormwater line that crosses into the adjoining lot.

(c) An Easement to Drain Sewage – over any extension of Council's existing sewer infrastructure, which would be necessary to service Lot 24.

(d) Right of Way over the access handle of Lot 24, favouring Lot 23 (for current use, but for future emergency and service vehicle egress).

(e) A (temporary) Right of Way over the existing ingress driveway (Lot 23) favouring Lot 24.

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]

86. 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]

87. 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]

88. 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 - Water Reticulation
- (b) Compliance Certificate - Sewerage Reticulation
- (c) Compliance Certificate - Bulk earthworks / site filling

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]

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

[PSC0925]

90. 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 sewerage system 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]

91. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

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.

[PSC1115]

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

[PSC1165]

93. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

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.

[PSC1185]

94. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer is required (at the Developer's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services.

[PSC1205]

95. A Habitat Restoration Plan for the riparian buffer must be prepared by a person qualified in Bush Regeneration or Ecological Restoration and submitted to the General Manager or delegate for approval prior to issue of the subdivision certificate. The plan shall include:

- i. an appraisal of the present condition of remnant vegetation;
- ii. a plan overlaying an aerial photograph of the site which divides the regrowth into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate;
- iii. a management strategy for each of the zones, including the approach, methods and techniques to be used for vegetation restoration;

- iv. a schedule of native plant species to be used for planting;
- v. a program of works to be undertaken to remove invasive weed species.

[PSCNS01]

The Motion was **Carried**

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

10 [PR-CM] Development Application PTV11/0013 for the Clarrie Hall Dam Spillway Upgrade at Lot 1, 6 and 14 DP 260821 Doon Doon Road, Doon Doon

736

Cr D Holdom
Cr W Polglase

RESOLVED that Development Application PTV11/0013 for the Clarrie Hall Dam spillway upgrade at Lot 1, 6 and 14 DP 260821 Doon Doon Road, Doon Doon be approved subject to the following conditions:

1. The development shall be completed in general accordance with the Review of Environmental Factors (REF) prepared by NSW Public Works dated October 2011 and Addendum dated November 2011, except where varied by these conditions.

[PTV0010]

2. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate. Erosion and sedimentation control devices shall be designed and installed in accordance with Council's Design Specification D7 – *Stormwater Quality* and Council's Construction Specification C211 – *Control of Erosion and Sedimentation*.

All erosion and sedimentation controls shall be maintained throughout the period of construction.

[PTV0020]

3. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

[PTV0030]

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

[PTV0040]

5. 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 Friday 7.00am to 6.00pm

Saturday 8.00am to 1.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[PTV0050]

6. 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.

[PTV0060]

7. All relevant licences and permits from State Agencies must be obtained prior to commencement of works.

[PTVS01]

8. A Construction Environmental Management Plan (CEMP) must be prepared in accordance with all identified mitigation measures and requirements of the approved REF and Addendum and other relevant guidelines, to document all management measures to be implemented during the upgrade works. The CEMP must be submitted and approved by Council's General Manager or delegate prior to the commencement of works.

[PTVNS02]

9. An adequate and suitable potable water supply shall be provided to the construction compound and associated facilities to the satisfaction of Council's Director Planning & Regulation or his delegate.

[GENNS01]

10. Commercial food preparation or operation of a 'food van' shall not be undertaken without separate prior approval from Council's Environmental Health Unit.

[GENNS02]

11. A registered spotter-catcher must be present on site during all tree removal operations.

[GENNS02]

12. Terrestrial and aquatic vegetation clearing must be limited to that strictly necessary to undertake the works as described.

[GENNS03]

13. The construction compound areas will be limited to the red bordered areas illustrated in Figure 5.2.1 *Possible Site Areas* in Addendum to REF by Tweed

Shire Council dated 14/11/2011. External to those areas or in the blue bordered areas illustrated, further assessment and approval by Council will be required, except for known environmental weed species..

[GENNS04]

14. Water levels are not to be lowered during the Comb-crested Jacana (*Irediparra gallinacea*) breeding season (currently regarded as September to April). Monthly surveys are to be undertaken at Clarrie Hall Dam prior to works commencing, which may refine and reduce the breeding period specific to the north coast.

[GENNS05]

15. Any alteration to the existing on-site sewage management facilities must be approved to the satisfaction of Council's General Manager or delegate.

[PCW1125]

16. Should an on-site sewage management facility or collection well be installed a Section 68 approval to install/operate shall be obtained from Council prior to commencement of works.

[PCWNS01]

17. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or delegate to neutralise any offensive odours.

[DUR0235]

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

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

19. 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]

20. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be:

- (a) Roofed;
- (b) Provided with a sealed floor; and

Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-labile and shall be provided with pump out facilities.

[DUR1635]

21. The proponent 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]

22. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for

storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.

[DUR2215]

23. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l unless varied by the approved construction environmental management plan.

[DUR2435]

24. The proponent shall undertake reasonable measures during construction to minimise the risk of loose or disturbed materials being washed downstream.

[DURNS01]

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

- 11 **[PR-CM] Planning Proposal PP10/0003 for Lot 332 DP 1158142, Part Lot 326 and 315 DP 1158142 Rous River Way, West Murwillumbah (Known as Riva Vue)**

737

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that:

1. The planning proposal be publicly exhibited in accordance with the Ministerial Direction under the Gateway Determination following receipt of all outstanding final studies, and
2. Following completion of the public exhibition, a report on the exhibition process, assessment of submissions, final planning proposal documentation and all supporting reports be reported back to Council for a decision on whether to endorse the planning proposal and to have the LEP amendment made.

The Motion was **Carried**

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

- 12 **[PR-CM] Community Based Heritage Study and Management Plan**

738

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. The report on the Community Based Heritage Study and Management Plan be received and noted.
2. The Community Based Heritage Study 2011 be publicly exhibited for a minimum period of 56 days.
3. The preparation of a future draft heritage Development Control Plan be scheduled within the Planning Reform Unit's work program in its next review, for consideration.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

13 [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

739

**Cr W Polglase
Cr K Skinner**

RESOLVED that:

1. A planning proposal be prepared for PP11/0004 - Stage 1, 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; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 13 DP 23659; No. 42 Kirkwood Road; Lot 12 DP 23659; No. 44 Kirkwood Road; Lot 11 DP 23659; No. 46 Kirkwood Road; Lot 2 DP 804871; No. 48-50 Kirkwood Road; Lot 8 DP 23659; No. 52 Kirkwood Road; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal; Lot 1 DP 524806; No. 62 Minjungbal Drive; Lot 2 DP 524806; No. 64 Minjungbal Drive - TWEED HEADS SOUTH, subject to the prior execution of a Costs and Expenses Agreement being executed, and
2. A planning proposal be prepared for PP11/0005 – Stage 1 Club Banora Redevelopment, Lot 2 DP 1040576, Leisure Drive, Banora Point, subject to the prior execution of a Costs and Expenses Agreement being executed.

740

AMENDMENT

**Cr J van Lieshout
Cr K Milne**

PROPOSED that this item be deferred to allow a Workshop to be scheduled.

TEMPORARY ABSENCE FROM MEETING

Cr K Skinner left the meeting at 05:01 PM

RETURN TO MEETING

Cr K Skinner has returned from temporary absence at 05:01 PM

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout

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

The Motion was **Carried** (Minute No 739 refers)

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

14 [PR-CM] Gold Coast Airport Preliminary Draft Master Plan 2011 – Response to Public Exhibition

741

**Cr D Holdom
Cr K Skinner**

PROPOSED that the report on Gold Coast Airport Preliminary Draft Master Plan 2011 - Response to Public Exhibition be received and noted.

TEMPORARY ABSENCE FROM MEETING

Cr W Polglase left the meeting at 05:05 PM

RETURN TO MEETING

Cr W Polglase has returned from temporary absence at 05:06 PM

742

AMENDMENT 1

**Cr B Longland
Cr D Holdom**

RESOLVED that:

1. The report be received and noted on Gold Coast Airport Preliminary Draft Master Plan 2011 - Response to Public Exhibition be received and noted.

2. A workshop be held for Councillors and the Gold Coast Airport Corporation dealing with the issue of aircraft noise and its affect on Tweed residents.

Amendment 1 was **Carried** and became the Motion

FOR VOTE - Voting - Unanimous

743

AMENDMENT 2

**Cr K Milne
Cr K Skinner**

PROPOSED that Gold Coast Airports further investigate options for the transfer of international passengers to Tweed and Gold Coast by fast train from Brisbane Airport which is much better strategically placed to minimise impacts, and in light of the real opportunities with the hosting of the Commonwealth Games.

TEMPORARY ABSENCE FROM MEETING

Cr K Skinner left the meeting at 05:42 PM

RETURN TO MEETING

Cr K Skinner has returned from temporary absence at 05:43 PM

Amendment 2 was **Lost**

FOR VOTE - Cr K Skinner, Cr K Milne

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

PROCEDURAL MOTION

744

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that the Motion be put.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

Amendment 1 on being the Motion was **Carried** - (Minute No 742 refers)

FOR VOTE - Unanimous

15 [PR-CM] Area E Urban Release Development Code

745

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Receives and notes the amendments to the publicly exhibited Draft Development Control Plan Section B24 – Area E Urban Release Development Code, arising from the review of public consultation submissions;
2. Endorses the Development Control Plan Section B24 – Area E Urban Release Development Code, as amended, and provided as an attachment to this report,
3. Endorses that when an appropriate framework of Developer Contributions is achieved and in place, give public notice of the Code's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000, satisfying the provision of Clauses 53D(2)(a) and 53D(3)(a) of the Tweed Local Environmental Plan 2000 – Specific Provisions for Terranora Urban Release Area E; and
4. Requests the General Manager forwards a copy of Development Control Plan Section B24 – Area E Urban Release Development Code to the Director-General of the NSW Department of Planning and Infrastructure in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

746

AMENDMENT

**Cr K Milne
Cr J van Lieshout**

PROPOSED that Council:

1. Receives and notes the amendments to the publicly exhibited Draft Development Control Plan Section B24 – Area E Urban Release Development Code, arising from the review of public consultation submissions;
2. Endorses the Development Control Plan Section B24 – Area E Urban Release Development Code, as amended, and provided as an attachment to this report,
3. Endorses that when an appropriate framework of Developer Contributions is achieved and in place, give public notice of the Code's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000, satisfying the provision of Clauses 53D(2)(a) and 53D(3)(a) of the Tweed Local Environmental Plan 2000 – Specific Provisions for Terranora Urban Release Area E; and

4. Requests the General Manager forwards a copy of Development Control Plan Section B24 – Area E Urban Release Development Code to the Director-General of the NSW Department of Planning and Infrastructure in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.
5. Council reviews the design and yield targets to ensure that ‘no reduction of water quality from this development’ is achieved for the Terranora Broadwater, and that a net positive impact is achieved for environmental and sustainability outcomes.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout

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

PROCEDURAL MOTION

747

Cr D Holdom

Cr J van Lieshout

RESOLVED that the Motion be put.

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

AGAINST VOTE - Cr K Milne

The Motion was **Carried**

The Motion was **Carried** (Minute No 745 refers)

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

AGAINST VOTE - Cr K Milne

748

Cr K Skinner

Cr K Milne

RESOLVED that Standing Orders be suspended to deal with Items 39 and 42 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

39 [NOM-Cr K Milne] Veteran Trees

NOTICE OF MOTION:

This item lapsed as there was no seconder.

42 [NOM-Cr K Milne] Chinderah Fig Tree

NOTICE OF MOTION:

This item lapsed as there was no seconder.

749

Cr K Skinner
Cr D Holdom

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [PR-CM] Tweed City Centre Vision, Local Environmental Plan and Development Control Plan (Section B2)

750

Cr W Polglase
Cr K Skinner

RESOLVED that Council:

1. Receives and notes the summary content of submissions received as part of the exhibition of Tweed City Centre Vision, Local Environmental Plan and Development Control Plan – Section B2;
2. Endorses the desired amendments identified within this report;

Tweed City Centre Vision

3. Adopts the Tweed City Centre Vision document and encourages the 'Future Actions' identified to be included within Council's work programs as necessary;

Tweed City Centre Local Environmental Plan 2012

4. Endorses the adoption of the Draft Tweed City Centre Local Environmental Plan 2012;
5. Endorses the preparation and subsequent furnishing of a report to the Director General, pursuant to the provision of s68(4) of the Environmental Planning and Assessment Act 1979 to assist in the making of the Tweed City Centre LEP 2012;

Tweed Development Control Plan – Section B2 – Tweed City Centre

6. Endorses the removal of the 'Alternative routes of rapid transit service' (and associated wording), provided by way of Figure 8.4 of the Tweed Development Control Plan – Section B2 – Tweed City Centre, as it relates to Council owned land at Bay Street, Tweed Heads (The Fire Station site).
7. Endorses the adoption of the Draft Tweed Development Control Plan 2008 – Section B2 – Tweed City Centre to take effect simultaneously with the commencement of the Tweed City Centre Local Environmental Plan;
8. Advertises a public notice of Council's adoption of the Draft Tweed Development Control Plan 2008 – Section B2 – Tweed City Centre, be published in the Council's newspaper, the Tweed Link, in accordance with Clause 21 and 22 of the Environmental Planning and Assessment Regulation 2000; and
9. Endorses the preparation of supporting documents to ensure appropriate implementation of the Tweed City Centre Plans; including but not limited to, development contributions plan/s and a policy framework for implementing Architectural Design Competitions.

TEMPORARY ABSENCE FROM MEETING

Cr K Skinner left the meeting at 06:13 PM

RETURN TO MEETING

Cr K Skinner has returned from temporary absence at 06:16 PM

PROCEDURAL MOTION

751

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the Motion be put.

The Motion was **Carried**

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

The Motion was **Carried** (Minute No 750 refers)

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

