

Mayor: Cr B Longland

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt



Minutes

Ordinary Council Meeting Thursday 1 May 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 5pm

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 8.14pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Mr Neil Baldwin (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Peter Brack (Corporate Compliance Officer) and Ms Ann Mesic (Minutes Secretary).

PLANNING COMMITTEE RECOMMENDATIONS

1 [CONMIN] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 1 May 2014

254

Cr W Polglase
Cr M Armstrong

RESOLVED that the recommendations of the Planning Committee Meeting held Thursday 1 May 2014 be adopted.

3 [PR-PC] Development Application DA13/0678 for the Erection of a Garage with Shower and Toilet and Colourbond Fence with Privacy Screen to a Height of 2.1m at Lot 2 SP 38780 No. 2/1 Beatrice Court, Pottsville

RECOMMENDED that Development Application DA13/0678 for the erection of an outbuilding with shower and toilet at Lot 2 SP 38780 No. 2/1 Beatrice Court, Pottsville be refused for the following reasons:

1. In accordance with Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (as amended), the proposed development is not considered to be compliant with the following development control plan controls:
 - i. The development does not satisfy the requirements of Tweed DCP 2008 - Section A1, Residential and Tourist Code, particularly Section 2.2 in that it does not provide sufficient deep soil zones to either the rear or front of the property and it does not satisfactorily integrate with the character of the locality and streetscape in terms of its visual impact on existing urban development;
 - ii. The development does not satisfy the requirements of Tweed DCP 2008 - Section A1, Residential and Tourist Code, particularly Section 4.5, in that it fails to satisfactorily address the need for acoustic privacy due to its location (as a workshop/boat storage facility) less than one metre from the main bedroom window of the adjoining property.

- iii. The development does not satisfy the requirements of Tweed DCP 2008 - Section A1, Residential and Tourist Code, particularly Section 6.2 in that the proposed structure is not visually consistent with the design of the existing dwelling, it fails to reinforce the desired future character and streetscape of the area, particularly the Beatrice Court precinct, and it fails to preserve the amenity of the adjoining property.

4. [PR-PC] Development Application DA06/1412.04 for an Amendment to Development Consent DA06/1412 for Demolition of Existing Shed and Replace with New Storage Shed at Lot 22 DP 815069 No. 20 Gurrinyah Drive, Stokers Siding

RECOMMENDED that:

- A. Development Application DA06/1412.04 for an amendment to Development Consent DA06/1412 for demolition of existing shed and replace with new storage shed at Lot 22 DP 815069 No. 20 Gurrinyah Drive, Stokers Siding be approved and the consent be amended as follows:

- 1. Delete Condition No. 16 and replace it with Condition No. 16A which reads as follows:

16(A) The building is not to be used for any habitable commercial or industrial purpose. This condition does not restrict or prohibit the use of the shed for the purpose of agriculture conducted on the property which is the subject of this consent.

- B. Council Compliance Officers follow up to require the removal of the kitchen sink and oven from the storage shed.

- C. ATTACHMENTS 1-12 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

5. [PR-PC] Development Application DA13/0745 for Alterations to the Existing Kingscliff North Holiday Park including Reconfiguration of Sites, Demolition Work and Associated Earthworks as well as Consent for the Overall Use of the Site as a Caravan Park at Part Lot 2 DP 1122062 No. 131 Marine Parade, Kingscliff

RECOMMENDED that Development Application DA13/0745 for Alterations to the Existing Kingscliff North Holiday Park including Reconfiguration of Sites, Demolition Work and Associated Earthworks as well as Consent for the Overall Use of the Site as a Caravan Park at Part Lot 2 DP 1122062 No. 131 Marine Parade, Kingscliff be deferred for advice from the Aboriginal Advisory Committee and that a report be brought back to a future Planning Committee meeting.

6. **[PR-PC] Development Application DA13/0679 to Demolish Existing Buildings and Construct Two Storey Commercial Building including Refreshment Room (Cafe) at Lots 9 and 10 Section 4 DP 2974 Nos. 9-11 River Street, South Murwillumbah**

DECLARATION OF INTEREST

Cr Bagnall declared a Non Pecuniary Non Significant conflict of interest in this item. The nature of the interest is that Cr G Bagnall lives down that street. Cr G Bagnall will manage the Interest by staying in the Chambers and voting on the matter.

RECOMMENDED that Development Application DA13/0679 to demolish existing buildings and construct two storey commercial building including refreshment room (cafe) at Lots 9 and 10 Section 4 DP 2974 Nos. 9-11 River Street, South Murwillumbah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- DA10 - Site and Location Plans
- DA11 - Lower Floor Plan
- DA12 - Upper Floor Plan
- DA13 - Roof Plan
- DA20 - Elevations
- DA22 - Sections

as amended in red and prepared by Aspect Architecture and dated 5/11/2013, 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. 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 Engineering Division for approval of such works.

[GEN0155]

5. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer

being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

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

[GEN0265]

7. 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]

8. All service deliveries including loading and unloading shall be conducted within the site. Vehicles waiting to be loaded and unloaded shall stand entirely within the site and all vehicles shall enter and exit the site in forward gear. All servicing requirements are to be undertaken by a vehicle no larger than a van.

[GENNS01]

9. This consent approves the use of the building the subject to this consent for a commercial premises and refreshment room as defined by the Tweed Local Environmental Plan 2000. In this regard a commercial premises is defined as follows:

"land used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule."

and a refreshment room is defined as:

"a restaurant, cafe, tea room, eating house or the like."

In terms of the proposed "refreshment room" (café) use on the upper floor level, the following restrictions shall apply:

No dining shall be permitted within the central deck between the proposed refreshment room and commercial premises tenancies;

Alfresco dining will be limited to the northwest deck attached to the proposed refreshment room tenancy.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

11. 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. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
 - (a) Minimum non-habitable floor level for the building is RL 7.0m AHD.
 - (b) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (c) 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.

[PCC0705]

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

14. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other

underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

15. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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.

[PCC1105]

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 Section 68 of the Local Government Act.

[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. 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]

19. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures. [PCC1225]
20. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges. [PCC1235]
21. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system. [PCC1255]
22. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval. [PCC1265]
23. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500. [PCC1275]
24. A site specific acoustic assessment shall be carried out by a suitably qualified person identifying each potential noise source from all plant and equipment intended to be installed to the satisfaction of the General Manager or Delegate. The report shall make recommendations for mitigation where required to demonstrate that a noise level, $L_{Aeq,15min}$ exceedence of no greater than 5dB(A) is achievable, in any Octave band centre, at the boundary of the site between the hours of 7am and 10pm all days.
25. Prior to the construction certificate being issued copies of 3 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be submitted to Council's Environmental Health Officers for assessment and approval, on the approved form and accompanied by the adopted fee:
- a. Floor plan
 - b. Layout of kitchens and bar showing all equipment
 - c. All internal finish details including floors, wall, ceiling and lighting
 - d. Hydraulic design in particular method of disposal of trade waste

- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- f. Servery areas including counters etc.

Any premises used for the storage, preparation or sale of food are to comply with the NSW Food Act 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises.

- 26. 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. Systems are to adequately designed and located so as not to cause a noise nuisance to adjoining properties when in operation.
- 27. Excavations beyond 2m of natural ground level are not permitted unless an acid sulfate soils investigation and MP, where necessary, has been approved to the satisfaction of the General Manager or delegate. [PCCNS01]
- 28. The development shall provide a transverse drainage system for the continuity of stormwater flows from the open drain on adjoining land to the north, through the development site, to the Stafford Street stormwater drainage system, for all events up to and including the 100 year ARI storm event. Any piped system serving this purpose must be supplemented by an overland flow path that will operate in a manner that will minimise potential damages and nuisance in the event of a pipe failure. The design of the pipe inlet must include a safety factor of 2 to account for blockage. The s68 Stormwater Application shall include a hydraulic assessment of the transverse drainage system, which demonstrates that the system will provide a "no worsening" post-development case for upstream land for events up to and including the 100 year ARI event. The hydraulic assessment shall include identification of the extent of all contributing catchments, as verified by on site survey. An easement benefitting Council shall be created over the transverse drainage system prior to occupation. [PCCNS02]
- 29. The development shall provide for the mitigation for stormwater runoff generated by the development with the existing downstream stormwater infrastructure in place, in accordance with Development Design Specification D5 - Stormwater Drainage Design Clause D5.16 Stormwater Detention. Engineering details of an adequate stormwater detention system shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of a construction certificate. [PCCNS03]
- 30. The construction certificate application shall include certified engineering details of the proposed access platform adjacent to Council's levee. The platform shall be of light weight construction and must be readily removable from its structural supports and relocatable without the need for special equipment. No structural supports are permitted within three (3) metres horizontal distance of the surveyed top of the levee embankment. The platform must be designed to impose minimal bearing forces on the levee.

31. The developer must obtain all necessary separate State Government approvals for any works on Lot 8126 DP 755698 (State Crown Land). [PCCNS04]
32. Any future development of this site will require an updated civil work plan and Amended architectural Plans that shows the placement of piers and footings for the building to be at least 1.0 metres horizontally clear of sewer main on site.
33. Sewer depth and actual location must be confirmed on site and recorded on construction plans prior to construction.
34. A suitably qualified engineer shall design any retaining walls, pier or footing depths based on the geotechnical conditions on site and the plans must be submitted to Council to demonstrate the Council Sewers - Works in Proximity Policy has been adhered to.
35. Access to the manhole must be available at all times. Any fencing around the underground car park must include removable fencing over the sewer easement to enable access, as per the Council Sewers - Works in Proximity Policy.
36. Construction joints or removable paving must be shown on the final design plans for the car park concrete slab along the alignment of the 3.0 metre width over the existing sewer, to enable council to remove and reinstate flooring without destruction, and limit the scale of removal whilst undertaking construction works on the sewer.
37. Any alterations to approved plans shall be confirmed by Council Manager Water Engineer prior to construction.
38. Council requires a legal arrangement and easement which will burden current and future owners of the property to permit Council to maintain, and re-construct these works as and when required. That is, twenty-four hour access is required to repair, maintain and reconstruct the sewer.
39. The height between the carpark concrete slab and the building overhead must be a minimum clearance of 2.4 metres to enable clear access for future sewer excavations at the site may have adequate clearance to work in the space created by the structure.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

40. 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]

41. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing. [PCW0045]
42. 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]
43. 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]
44. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]

45. 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]

46. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

47. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

[PCW0985]

48. 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]

49. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

50. Any alterations to approved plans shall be confirmed by Council W&S Systems Engineer prior to construction.

51. Should any part of the sewerage reticulation infrastructure be damaged by the registered proprietor or by any person who is a servant, workman,

tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.

52. Documentary evidence of creation of the required 3.0 metre easement over the existing sewer within Lot 10 Sec 4 DP2974 and Lot 9 Sec 4 DP2974 and the legal agreement required as per Condition 37 shall be submitted to Tweed Shire Council.
53. Excavation, shoring and dewatering of the approved works must be considered when undertaking works. Any permits required to undertake dewatering shall be obtained prior to commencing. The applicant shall conduct a thorough site assessment to determine trench safety for the approved works.

[PCWNS01]

DURING CONSTRUCTION

54. 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.
55. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

[DUR0005]

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]

56. 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]

57. 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]
58. 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]
59. 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]
60. 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]
61. 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 Work Health and Safety Regulation 2011.
[DUR0415]
62. 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, Work Health and Safety Regulation 2011.
- 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]
63. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
[DUR0815]
64. 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]

65. 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]
66. 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]
67. 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]
68. 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]
69. 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]
70. 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]
71. 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]
72. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or

blow from the site. Demolition waste receipts quoting DA13/0679, attained from an approved landfill business, shall be submitted to Council within 3 days of transport.

[DUR2185]

73. 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 Division to arrange a suitable inspection.

[DUR2445]

74. 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]

75. 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 Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

76. 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]

77. 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]

78. 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:-

- * 45°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]

79. The piers/footings are to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main.

[DUR2645]

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

[DUR2705]

81. Construction joints or removable paving must be installed in the car park concrete slab along the alignment of the newly created 3.0 metre easement over the existing sewer to enable council to remove and reinstate flooring without destruction, and limit the scale of removal whilst undertaking construction works on the sewer.

82. During Construction access to the sewer and sewer manhole must be available to maintain, and re-construct as and when required.

83. Continual sewerage services must be maintained for all properties upstream of or connected to the affected sewer, for the duration of the works.

84. Any damage to any property or services shall be the responsibility of the constructor. Reinstatement shall be to the relevant authorities or property owner's satisfaction and at the constructors cost.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

85. 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]

86. A noise management plan 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 management plan shall be submitted and approved prior to the issue of the occupation certificate

[POC0125]

87. 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]

88. 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]

89. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

90. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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:
50.1336 Trips @ \$1364 per Trips \$68,382
(\$1,317 base rate + \$47 indexation)
S94 Plan No. 4
Sector9_4

[POC0395/PSC0175]

91. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have 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: 0.1312 ET @ \$12575 | \$1649.84 |
| Sewer: 1.2884 ET @ \$6042 | \$7784.51 |

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

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

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.

92. 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]

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

[POC0855]

94. 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]

95. 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]

96. An easement in favour of Tweed Shire Council shall be created over the full length of the flood levee within the subject land. The easement width shall extend from the rear (north western) boundary to three (3) metres (measured horizontally) on the landward side of the surveyed top of the levee embankment prior to the issue of an Occupation Certificate.

[POCNS01]

USE

97. 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]

98. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 10pm, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 10pm and 7am weekdays and 10pm and 8am weekends.

[USE0165]

99. 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]

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

Office Tenancies

- * 7am to 10pm - Mondays to Saturdays
- * 7am to 8pm - Sundays and Public Holidays

Cafe Tenancy

- * 8am to 8pm All Days
- * All deliveries and pickups relating to the business are to occur between 7am and 6pm any day

[USE0185]

101. 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]

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

[USE0245]

103. The development shall be carried out in accordance with the Recommendations of Section 6 the Environmental Noise Impact Report has been prepared by CRG Acoustical Consultants dated 7 November 2013 (crgref:10163a report Nov2103) except where varied by the conditions of this consent.

[USE0305]

104. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

GENERAL TERMS OF APPROVAL UNDER s91 OF THE WATER MANAGEMENT ACT 2000 (for work requiring a controlled activity approval) ^[USE0315]

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 13/0679 and provided by Council.
2. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
3. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
4. The consent holder must prepare or commission the preparation of:
 - (i) Erosion and Sediment Control Plan
5. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.au/Water-licensing/Approvals/default.aspx
6. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
7. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
8. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

9. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
10. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
11. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
12. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

7. [PR-PC] Development Application DA13/0577 for a 88 Lot Subdivision - Stages 15 to 18 Seabreeze Estate at Lot 1147 DP 1115395 Seabreeze Boulevard, Pottsville

RECOMMENDED that Development Application DA13/0577 for a 88 lot subdivision - stages 15 to 18 Seabreeze Estate at Lot 1147 DP 1115395 Seabreeze Boulevard, Pottsville be deferred for a workshop.

8. [PR-PC] Development Application DA13/0654 for a Two Lot Subdivision, Remove Existing Dwelling and Construct Two Single Dwellings - Staged Development at Lot 7011 DP 1065741 Marine Parade, Fingal Head and Lot 367 DP 755740 No. 40 Queen Street, Fingal Head

RECOMMENDED that Development Application DA13/0654 for a two lot subdivision, remove existing dwelling and construct two single dwellings - staged development at Lot 7011 DP 1065741 Marine Parade, Fingal Head and Lot 367 DP 755740 No. 40 Queen Street, Fingal Head be deferred to enable the applicant to provide a report regarding the ecological studies of the site.

9. [PR-PC] Development Application DA13/0519 for the Demolition of Existing Dwelling and Shed, New Three-Storey Dwelling and Concrete Swimming Pool on Lot 176 and New Three-Storey Dwelling and Concrete Swimming Pool on Lot 177 at Lot 176 and 177 DP 755701 Tweed River Islands, Cudgen

RECOMMENDED that Development Application DA13/0519 for the demolition of existing dwelling and shed, new three-storey dwelling and concrete swimming pool on Lot 176 and new three-storey dwelling and concrete swimming pool on Lot 177 at Lot 176 and 177 DP 755701 Tweed River Islands, Cudgen be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and its Annexures as prepared by Darryl Anderson Consulting Pty Ltd and dated August 2013 and the plans approved by Council, except where varied by the conditions of this consent and the following documents and reports:

- On-site Sewage Management Design Report HMC2014.021 prepared by HMC Environmental Consulting Pty Ltd and dated March 2014;
- Due Diligence Cultural Heritage Assessment Report prepared by Everick Heritage Consultants Pty Ltd and dated December 2013;

[GEN0005]

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

[GEN0115]

3. 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]

4. Bushfire Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

- (a) Bushfire asset protections zones are to be maintained around the house sites at all times to the satisfaction of the NSW Rural Fire Service.

[GEN0320]

5. Bushfire Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

- (a) Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

[GEN0330]

6. This consent does not approve the existing bridge crossing Boyds Channel to Lot 176, nor any works required for its continuing use to access the proposed development.

Note: The applicant is responsible for obtaining any approvals and supporting environmental impact assessment, as statutorily required, prior to any works as required to enable continuing use of the existing bridge.

[GENNS01]

7. The Wetland Protection Area ('WPA') and Riparian Buffer Zone - Active Management ('RBZ-AM') described in the Wetland Plan of Management (WPoM) being *Appendix 2 - Wetland Plan of Management in Assessment of Significance (7-part Test) Lots 176 & 177 DP755701 Dodds Island Chinderah dated August 2013 prepared by JWA Ecological Consultants* (as amended by conditions of this consent) shall be managed in accordance with provisions of that plan (WPoM) for the life of the development. [GENNS02]
8. No native trees may be removed to facilitate development (including fencing) unless separate approval has been received from Council's General Manager or delegate. [GENNS03]
9. No ancillary services and/or infrastructure associated with the approved development shall be situated within fifty (50) metres of the Tweed River measured landward from the top of high bank unless otherwise approved by Council's General Manager or delegate. [GENNS04]
10. Any fencing shall either allow the free passage of flood water or be of a light construction such as timber paling that will collapse as a result of any build up of floodwater or debris. Given the site is located in a High Flow region, fencing shall be of an open style with a minimum of 65% of unimpeded openings or approved equivalent. [GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided. [PCC0285]
12. Stormwater
 - (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths. [PCC1135]
13. A construction certificate application for works that involve any of the following:
 - . installation of stormwater management measures and 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 Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for subdivision works, 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 Local Government Act will then NOT be required.

[PCC1145]

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. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system should be fitted with a first flush device. The minimum storage tank capacity shall reflect the dry seasonal periods experienced in the locality and shall be in addition to any fire fighting capacity requirements stipulated by the NSW Rural Fire Services. The minimum storage capacity required shall be 15,000L per bedroom with a minimum 20,000L to be provided. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval.

[PCC1215]

16. Prior to the issue of a construction certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system for each dwelling house under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the On-site Sewage Management Design Report V2, prepared by HMC Environmental Consulting PL and dated March 2014 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

Each system shall be at least capable of achieving advanced secondary effluent quality criteria as stipulated in Section 2 of the Report.

[PCC1285]

17. The applicant shall provide engineered flood protection design specifications and drawings/plans from a suitably qualified and experienced person detailing construction standards to adequately secure and prevent floatation of the wastewater treatment devices, containment tanks and wet weather storage tanks during flood events.

[PCCNS01]

18. Prior to the issue of a construction certificate the applicant must amend the Wetland Plan of Management (WPoM) being Appendix 2 - Wetland Plan of Management in Assessment of Significance (7-part Test) Lots 176 & 177 DP755701 Dodds Island Chinderah dated August 2013 prepared by JWA Ecological Consultants as follows:

- a. Depict on Appendix 2 - Figure 1, a 50 metre setback line measured landward from the top of high bank to the Tweed River;
- b. Identify an additional management/protection zone to be described as 'Riparian Buffer Zone - Active Management' (RBZ-AM). The RBZ-AM shall be measured a minimum ten (10) metres landward from the top of high bank along the length of the Tweed River channel frontage, or to the outermost projection of existing riparian vegetation associated with the river, whichever is greater;
- c. Clearly Depict on Appendix 2 - Figure 1, both the RBZ-AM described above and the Wetland Protection Area (WPA) being SEPP14 Coastal Wetland and 100metre buffer;
- d. The landward limit of the RBZ-AM shall be protected through the installation of a fauna friendly fence. The purpose of the fencing is to exclude livestock from the actively managed riparian zone in order to facilitate re-establishment of native riverine vegetation and subsequently improve river-bank stability;
- e. Consider alternative fauna friendly fencing designs to reduce incidence of native fauna entanglement and amend the report accordingly;
- f. Provide a site based fencing plan detailing fence alignment, specifications and locations of gates and access points where appropriate;
- g. Modify statements in the plan to use non-ambiguous more enforceable terminology (i.e. must, shall); and
- h. Stipulate in the WPoM that the following activities must not be undertaken within the WPA or RBZ-AM unless otherwise approved by Council's General Manager or delegate:
 - i. Clearing, lopping or removal of any native plants;

- ii. Erection of any fixtures or improvements, including buildings or structures;
 - iii. Construction of any trails or paths;
 - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign within the management area;
 - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the management area; and
 - vi. Performance of any other acts which may have detrimental impact on the values of the management area.
- i. Include a habitat restoration component within the WPoM for both the WPA (Zone 1) and RBZ-AM (Zone 2) to detail and include the following:
 - i. An appraisal of the present condition of the management zones and level of expected resilience;
 - ii. A management strategy for each of the zones, including the methods and techniques to be used for ecological restoration to achieve each objective detailed below;
 - iii. The objective within the WPA (Zone 1) is to treat and remove all declared weeds (under the *Noxious Weeds Act 1993* (Far North Coast Weeds)) using an assisted natural regeneration approach to improve the ecological integrity of the zone;
 - iv. The objective within the RBZ-AM (Zone 2) is to treat and remove all declared and environmental weeds using an assisted natural regeneration approach to facilitate/encourage re-establishment of native vegetation;
 - v. Include appropriate performance criteria (i.e. increased number and abundance of native species, nil fruiting of weed species after primary treatment);
 - vi. Provide a schedule of works (i.e. number of primary rotations) and timing for establishment (prior to issue of occupation certificate) and maintenance phase (ongoing) including monitoring and reporting (i.e. daily record sheets) requirements; and
 - vii. Provide an adaptive management statement detailing how potential problems/issues may be overcome and the necessity for any such changes to be approved by Council's General Manager or delegate.

The amended WPoM incorporating the habitat restoration component shall be submitted and approved by Council's General Manager or their delegate prior to issue of the first of any construction certificate.

[PCCNS02]

19. Prior to the issue of a construction certificate the applicant shall prepare a landscaping plan that details landscaping measures within the curtilage of each dwelling house site in accordance with the ecological considerations of the site. The landscaping plan shall address exposure of each dwelling house to the Tweed River and shall consider the perspective illustrations as submitted in support of the development application. The landscaping plan shall be to the satisfaction of the General Manager or their delegate and

address any requirements of *Planning for Bushfire Protection 2006* in terms of asset protection zones.

[PCCNS03]

20. Prior to the issue of a construction certificate the applicant shall submit a revised Due Diligence Cultural Heritage Assessment Report to the satisfaction of the Council's General Manager or their delegate. The revised report shall address consultation performed with the Tweed Shire Council Aboriginal Advisory Committee and stipulate the requirement for on-site monitoring of initial excavation works for the project by the Aboriginal stakeholders for the project.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

21. 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]

22. 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]

23. 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]

24. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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. All roof waters are to be disposed of through properly jointed pipes to the satisfaction of the Principal Certifying Authority. All PVC pipes to be installed in accordance with the provisions of AS/NZS3500.3.2. Note 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]

28. Prior to commencement of works engineer's details are to be provided to the Principal Certifying Authority confirming the dwelling and the associated sewage treatment structures/tanks have been designed to withstand the expected flood flow rates for the area and that the support structures below probable maximum flood level are capable of withstanding flood forces (water flow, debris impact, and buoyancy) and continuous submergence for up to one week. For design purposes the anticipated velocities are 1m/s.

[PCWNS01]

DURING CONSTRUCTION

29. Construction of the right of carriageway serving lot 177 is to be to a 4m wide concrete/bitumen sealed standard, in accordance with the provision of Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications. The finished level of the driveway and associated works shall be no greater than 300mm above natural ground level.

[DUR0055]

30. 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]

31. 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]

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

[DUR0245]

33. 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]

34. 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]

35. 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]

36. 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 Work Health and Safety Regulation 2011.

[DUR0415]

37. 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, Work Health and Safety Regulation 2011.

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]

38. 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]

39. 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]

40. All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared by HMC Environmental Consulting dated August 2013 and numbered HMC2013.067ASS. Tweed Shire Council's Environmental Health Unit shall be provided with 24 hours notification of commencement excavation works.

[DUR1065]

41. A survey certificate is to be submitted by a Registered Surveyor to the nominated Principal Certifying Authority certifying that all habitable floor areas are constructed above RL 3.7metres AHD, and the PMF Refuge area has been constructed above RL 8.1 metres AHD. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceeding past the relevant floor levels to ensure that each floor is above designated flood levels.

[DUR1445]

42. 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]

43. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
[DUR1945]
44. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.
[DUR2185]
45. 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]
46. 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]
47. 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 Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
48. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR2515]
49. 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]
50. 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:-
- * 45°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]

51. Council's Environmental Health Unit shall be provided with 24 hrs notice of the commencement of demolition works. Evidence of the appropriate disposal of demolition materials shall be submitted within 3 days of completion of works.

[DURNS01]

52. Upon completion of the ground floor joists a survey certificate is to be provided to the Principal Certifying Authority verifying the buildings have been constructed to the ground floor levels as nominated on the approved plans.

[DURNS03]

53. 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.

[DURNS04]

54. The Probable Maximum Flood (PMF) Refuge area is to be constructed in accordance with Council's DCP - Section A3 - Development of Flood Liable Land. The PMF Refuge shall comply with the controls within Section A3.2.6 - Emergency Responce Provisions of the DCP.

[DURNS05]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

55. 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]

56. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

57. 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]

58. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council for each dwelling.

[POC1040]

59. The applicant must provide to Council, prior to the issue of an occupation certificate, certification from a qualified professional that all works/measures in the approved Wetland Plan of Management (WPoM):
- a. Have been implemented on-site (i.e. fencing); and
 - b. Ecological restoration works are properly established following a minimum establishment period of twelve (12) months. Where ecological restoration works have not been established for a minimum period of twelve (12) months the proponent must seek the approval of Council's General Manager or their delegate, and address any requirements as stipulated, in order to satisfy the condition prior to obtaining an occupation certificate.
- [POCNS01]
60. All property boundary fencing shall be inspected by Council prior to issue of an occupation certificate to ensure:
- a. Fencing is to a standard necessary to restrict livestock movement to adjoining riverine areas;
 - b. Fencing is accurately aligned along property boundaries consistent with that shown on the certified survey plan for Lot 176 in DP755701 and Lot 177 in DP755701; and
 - c. Where deemed appropriate, in order to facilitate native fauna movement and/or reduce risk of native wildlife entanglement/injury, fencing shall be of a fauna friendly design.
- [POCNS02]
61. A right of carriageway for access and services shall be created by registration for the provision of lawful access to Lot 177 DP 755701. An appropriate plan of Subdivision and Section 88B Instrument shall be lodged with the Consent Authority prior to the issue of an Occupation Certificate.

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 including (but not limited to) the following:

- (a) Easements over ALL public services/infrastructure on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement 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.

[POCNS03]

62. Prior to issue of an occupation certificate, a survey certificate is to be provided to the Principal Certifying Authority confirming the buildings have been constructed to an overall height above natural ground as nominated on the approved plans.

[POCNS04]

63. Prior to the issue of an occupation certificate the approved landscaping plan shall be implemented to the satisfaction of the nominated Principal Certifying Authority.

[POCNS05]

USE

64. 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 or recreational users in proximity to the buildings 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 their 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]

65. The buildings are to be used for single dwelling purposes only. Use of the buildings or site for tourist accommodation or commercial premises is not permitted by this consent.

[USE0505]

66. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system should be fitted with a first flush device. Minimum storage tank capacity shall be 20,000 litres for the first bedroom, then an additional 15,000 litres per bedroom thereafter and shall be in addition to any water volume requirements stipulated by the NSW Rural Fire Services. Installation, water collection, and maintenance of rainwater tanks used for drinking purposes must comply with NSW Health requirements.

[USE1470]

10. **[PR-PC] Development Application DA13/0449 for a Service Station and Two Lot Subdivision at Fraser Drive, Banora Point; Kirkwood Road, Tweed Heads South; Lot 1 DP 1074784 No. 136-150 Dry Dock Road, Tweed Heads South**

RECOMMENDED that Development Application DA13/0449 for a service station and two lot subdivision at Fraser Drive, Banora Point; Kirkwood Road, Tweed Heads South; Lot 1 DP 1074784 No. 136-150 Dry Dock Road, Tweed Heads South be refused for the following reasons:

1. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) - *the provisions of*

any Draft Environmental Planning Instruments in that the service station development is prohibited within the RE2 Private Recreation zone.

2. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) - *the provisions of any Draft Environmental Planning Instruments* in that the service station is inconsistent with the objectives of the RE Private Recreation zone.

11. **[PR-PC] Development Application DA10/0737 for Alterations to Existing Highway Service Centre Comprising of Two New Diesel Refuelling Points, Expansion of Truck Refuelling Canopy, New Truck Parking Area (36 New Bays) and the Replacement of Existing Truck Parking Area with Additional Car Parking Spaces and Dedicated Bus Drop-off Area (Application includes LEP Amendment) at Lot 1 DP 1127741 and Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah**

RECOMMENDED that Development Application DA10/0737 for alterations to existing highway service centre comprising of two new diesel refuelling points expansion of truck refuelling canopy new truck parking area (36 new bays) and the replacement of existing truck parking area with additional car parking spaces and dedicated bus drop-off area (application includes LEP Amendment) at Lot 1 DP 1127741 and Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah be deferred for a workshop with Council.

12. **[PR-PC] Development Application DA14/0089 for the Demolition of Existing Dwelling and Construction of Two Storey Dwelling with Attached Triple Garage at Lot 10 DP 28597 No. 438 Terranora Road, Terranora**

DECLARATION OF PECUNIARY INTEREST

Troy Green declared a Pecuniary Interest in Item 12. The nature of the interest is that Mr Green part owns property directly adjacent to the proposed development. Mr Green will manage the Interest by vacating the Chamber and taking no part in the discussion on the matter.

RECOMMENDED that:

1. State Environmental Planning Policy No. 1 objection to Clause 24 of the Tweed Local Environmental Plan 2000 regarding the setback to a designated road be supported and the concurrence of the Director General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA14/0089 for the demolition of existing dwelling and construction of two storey dwelling with attached triple garage at Lot 10 DP 28597 No. 438 Terranora Road, Terranora 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 1309 sheets CD2.1(B), CD2.2(B) CD2.3, CD3.1(B) prepared by Three Chairs Short Architects

and dated 10/04/14 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. 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]

4. The height of the dwelling shall not exceed RL 133.65m AHD. A certificate shall be provided from a registered surveyor confirming this maximum height at frame stage.

[GENNS01]

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]

6. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

7. Prior to the issue of a construction certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the On site Sewage Management Assessment Ref: 2014.002 OSSM, prepared by HMC Environmental Consulting Pty Ltd and dated January 2014 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[PCC1285]

8. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the

service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

PRIOR TO COMMENCEMENT OF WORK

9. 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]

10. 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]

11. Residential building work:

(a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
- * the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- * the name of the owner-builder, and
- * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

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

13. 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]

14. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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]

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

[PCW1005]

DURING CONSTRUCTION

16. 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]

17. 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]

18. 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]

19. 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]

20. 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]

21. 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]

22. 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 Work Health and Safety Regulation 2011.

[DUR0415]

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

[DUR0445]

24. 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, Work Health and Safety Regulation 2011.

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]

25. 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]

26. 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]

27. Swimming Pools (Building)

- (a) Access to the existing swimming pool shall be restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008 prior to the issue of an occupation certificate.
- (b) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
- (c) Once the pool is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

28. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

29. 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]

30. 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 Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

31. 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]

32. 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:-

* 45°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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

34. Prior to 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]

35. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

36. 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]

37. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

38. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

39. Prior to the issue of an occupation certificate or use of the dwelling a 1.50m high privacy screen, of a design which will restrict visual contact with the adjoining property shall be erected along the common boundary with the property which adjoins to the west where the retained yard area is proposed outside the family room.

[POCNS01]

USE

40. On the availability of any available option for connection to a reticulated sewage system, the property owner shall decommission the existing On Site Sewage Management System to the satisfaction of Council's Environmental Health Officer and connect the property to the reticulated sewage system. Such connection to the reticulated sewage system shall occur within 60 days or such time as Council's General Manager or Delegate may require of the date of the reticulated sewage system becoming available to the property.

[USENS01]

13. [PR-PC] Development Application DA13/0594 for a Detached Dual Occupancy at Lot 24 Section 5 DP 4043 No. 40 Enid Street, Tweed Heads

RECOMMENDED Development Application DA13/0594 for a detached dual occupancy at Lot 24 Section 5 DP 4043 No. 40 Enid Street, Tweed Heads:

- a. grant in principle support; and
- b. the Director Planning and Regulation seeks better outcomes on design including but not limited to concerns raised in the current Council report.

14. [PR-PC] Development Application DA13/0591 - Erection of Four Townhouses at Lots 25 and 26 Section 5 DP 4043 Nos. 36 and 38 Enid Street, Tweed Heads

RECOMMENDED that Development Application DA13/0591 for the erection of four townhouses at Lots 25 and 26 Section 5 DP 4043 Nos. 36-38 Enid Street, Tweed Heads:

- a. grant in principle support; and

- b. the Director Planning and Regulation seeks better outcomes on design including but not limited to concerns raised in the current Council report.

15. [PR-PC] DA10/0800 Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infrastructure

DECLARATION OF INTEREST

Cr Milne declared a Non-Pecuniary, Non-Significant conflict of interest in this item.

The nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments, has been awarded against me for \$15,000.

Cr Milne advised she will remain in the Chambers during discussion and voting on the merits of each application.

RECOMMENDED that Council supports the request of further information from the applicant in relation to Condition 50 of Development Consent DA10/0800 as outlined in this report.

16. [PR-PC] Cobaki Estate Central Open Space Project Approval 08_0200 - Compliance Issues

DECLARATION OF INTEREST

Cr Milne declared a Non-Pecuniary, Non-Significant conflict of interest in this item.

The nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments, has been awarded against me for \$15,000.

Cr Milne advised she will remain in the Chambers during discussion and voting on the merits of each application.

RECOMMENDED that the report on Cobaki Estate Central Open Space Project Approval 08_0200 - Compliance Issues be received and noted.

17. [PR-PC] Royal Terranora Resort No. 61 Marana Street, Bilambil Heights - Compliance Issues and Planning Proposal Update

RECOMMENDED that:

1. Planning Proposal PP10/0002 be referred to NSW Planning and Infrastructure for a Gateway Determination in accordance with s56 of the *Environmental Planning and Assessment Act, 1979*, following the completion of all remaining studies;

2. The Minister for Planning and Infrastructure be advised that delegation of the Plan making functions will be sought in this instance;
3. The Planning Proposal be publicly exhibited, where required, in accordance with the requirements of the Gateway Determination; and
4. Enforcement action arising from the unlawful use of the site be held in abeyance subject to:
 - A Building Safety Audit be undertaken and completed within 14 days of Council's Resolution on this Item. The scope of the audit to be discussed with Council Officers prior to commencement and a copy to be provided to Council when completed. Complete required works identified as part of the Building Safety Audit within three months of Council's resolution;
 - The resolution of Council to refer the Planning Proposal to NSW Planning and Infrastructure for a Gateway Determination;
 - Completion of the Planning Proposal in accordance with the timeframe included within this report; and
 - Lodgement of a Development Application upon gazettal of the draft Local Environmental Plan (Planning Proposal) for a change of use to regularise the residential use of the premises.
5. In the event that satisfactory progress on the above actions in Part 4 are not achieved and that any further enforcement action by Council is required, Council shall take into account the well being and capacity to relocate the existing residents, prior to taking any definitive action.

18. [PR-PC] Draft Tweed Development Control Plan - Section A17 - Business Development, Enterprise Corridor and Business Park Zones

RECOMMENDED that Council:

1. Adopts the Tweed Development Control Plan, Section A17 – Business Development, Enterprise Corridor and Business Park Zones, as provided as Attachment 1 to this report;
2. Endorses the public notice of the adoption of the Tweed Development Control Plan in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000, satisfying the provision of Clause 7.13 of the Tweed Local Environmental Plan 2014 – Development requiring the preparation of a development control plan;
3. Forwards a copy of the Development Control Plan Section A17 to the Director-General of the NSW Planning and Infrastructure in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000;

4. Prepares an amendment to the Tweed Development Control Plan, Section A17 to expand land affected by Section A17 to include the IN1 General Industrial zone;
 5. When prepared, the amendment is to be publically exhibited for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979; and
 6. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.
19. **[PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

RECOMMENDED that Council notes there are no variations for the month of April 2014 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

CONFIDENTIAL COMMITTEE

- C1. **[PR-PC] Proposed Action for Unauthorised Building Work (Demolition of Structure) on Lot 17 Section 5 DP 8568 No. 45 Charles Street, Tweed Heads**

RECOMMENDED that Council, in respect of unauthorised building works (demolition of a residential structure) carried out on the premises, Lot 17 Section 5 DP 8568 No. 45 Charles Street, Tweed Heads engages its solicitors to commence legal action against the owner of the site for unauthorised demolition.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

CONFIDENTIAL COMMITTEE

255

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

FOR VOTE - Unanimous

The General Manager reported that the Confidential Committee had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C1 [E-CM] Proposed Purchase of Land at Terranora for use as a Future Water Reservoir Site

REASON FOR CONFIDENTIALITY:

This matter is confidential as release of information within this report could prejudice Council's position in relation to this proposed purchase.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C 17

That Council:

1. In accordance with Section 377(h) of the Local Government Act 1993, endorses the action as proposed within the conclusion of the report;
2. Executes all necessary documents under the Common Seal of Council; and
3. Approves the expenditure.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

257

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

There being no further business the Meeting terminated at 8.19 pm

↑ ○

**Minutes of Meeting Confirmed by Council
at the Meeting held on xxx**

Chairman

THIS PAGE IS BLANK