



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland

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

# Minutes

## **Ordinary Council Meeting Thursday 7 August 2014**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

## 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 6.10pm.

### **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 Shane Davidson (Executive Officer) and Miss Janet Twohill (Minutes Secretary).

### **CONFIRMATION OF PLANNING COMMITTEE MINUTES**

#### **1 [CONMIN] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 7 August 2014**

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**Cr B Longland  
Cr K Milne**

**RESOLVED** that the recommendations of the Ordinary Planning Committee Meeting held Thursday 7 August 2014 be adopted.

#### **2 [PR-PC] Development Application DA14/0059 for a Change of Use to Dual Use - Residential and Tourist Accommodation at Lot 22 DP 1030322 No. 38 Collins Lane, Casuarina**

**RECOMMENDED** that Development Application DA14/0059 for a change of use to dual use - residential and tourist accommodation at Lot 22 DP 1030322 No. 38 Collins Lane, Casuarina be approved subject to the following conditions:

#### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:
  - Site Plan & Location Plan (WD01), prepared by Colin Loel Architects and dated 27 November 2003;
  - Site Plan/Ground & Upper Floors (WD02), prepared by Colin Loel Architects and dated 27 November 2003;
  - Proposed Elevations (WD03), prepared by Colin Loel Architects and dated 27 November 2003,

except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.
5. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
6. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
7. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
8. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
9. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
10. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
11. All landscaping is to comply with the S88B instrument pertaining to the site.
12. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.  
[GENNS01]

USE

13. 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]
14. 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]
15. 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]
16. 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]
17. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the

appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

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

1. The proposed change of use, from residential to dual use - residential and tourist accommodation, has been assessed against information referred to the NSW RFS by Tweed Shire Council dated 7/2/14.

The referred plans that this BFSA has been assessed against are identified as follows:

- Site Plan as provided with the Council suite of referred information dated 7/2/14, and
- Bushfire Safety Authority Report, dated January 2014 and prepared by "Planit Consulting".

The above referenced material is amended by the following listed conditions.

2. At the commencement of the proposed new use (dual use - residential and tourist accommodation) and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. An emergency and evacuation plan addressing section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority prior to the issue of an occupation certificate.
4. The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**3 [PR-PC] Development Application DA14/0120 for Dual Use of Existing Dwelling (Tourist Accommodation) at Lot 489 DP 1070795 No. 12 Cactus Court, Kingscliff**

**RECOMMENDED** that Development Application DA14/0120 for dual use of existing dwelling (tourist accommodation) at Lot 489 DP 1070795 No. 12 Cactus Court, Kingscliff be approved subject to the following conditions:

**GENERAL**

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

Title	Drawing Number	Dated
Site Plan	02 of 18	26/10/2007
Lower Floor Plan	03 of 18	26/10/2007
Upper Floor Plan	04 of 18	26/10/2007
South and East Elevations	08 of 18	26/10/2007
North and West Elevations	09 of 18	26/10/2007

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of

Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.

9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

#### USE

13. 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]
14. 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]
15. 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]
16. 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]

17. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

**4 [PR-PC] Development Application DA14/0131 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 98 DP 1066504 No. 18 Malibu Street, Kingscliff**

**RECOMMENDED** that Development Application DA14/0131 for a dual use of existing dwelling - tourist accommodation and residential at Lot 98 DP 1066504 No. 18 Malibu Street, Kingscliff be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:
  - WD-1.01 revision C - Site Plan;
  - WD-2.01 revision C - Ground Floor Plan;
  - WD-2.02 revision C - Upper Level Floor Plan;
  - WD-2.03 revision C - Roof Plan;
  - WD-3.01 revision C - North and West Elevations;
  - WD-3.02 revision C - South and East Elevations;

- WD-3.03 revision C - Street Elevations;
- WD-4.01 revision B - Sections.

prepared by Bayden Goddard Design Architect and dated 25.4.05, except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.

12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

## USE

13. 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]

14. 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]

15. 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]

16. 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]

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

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.

20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at

all times and be made available to tourist accommodation groups at the time of booking or upon request.

21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

**5 [PR-PC] Development Application DA14/0132 for Dual Use of Dwelling - Tourist Accommodation and Residential at Lot 72 DP 1030322 No. 30 Eclipse Lane, Casuarina**

**RECOMMENDED** that Development Application DA14/0132 for dual use of dwelling - tourist accommodation and residential at Lot 72 DP 1030322 No. 30 Eclipse Lane, Casuarina 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:
  - DA-01 - Site/Roof Plan;
  - DA-02 - Ground Floor Plan;
  - DA-03 - Ground Floor Plan;
  - DA-04a - North South Elevations;
  - DA-05a - East West Elevations; and
  - DA-06 - Sections.

prepared by Scott Carpenter Architect and dated October 2013, except where varied by the conditions of this consent.

[GEN0005]
2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.

6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

## USE

13. 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.
14. 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.

[USE0125]

[USE0175]

15. 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]
16. 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]
17. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.  
[USENS01]

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

1. At the commencement of the development and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection

2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. An emergency and evacuation plan addressing section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority prior to the issuing of an occupation certificate.
3. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**6 [PR-PC] Development Application DA14/0154 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 18 DP 1162599 No. 330 Casuarina Way, Kingscliff**

**RECOMMENDED** that Development Application DA14/0154 for dual use of existing dwelling - tourist accommodation and residential at Lot 18 DP 1162599 No. 330 Casuarina Way, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:
  - Lower Floor Plan, prepared by Stuart Osman Building Job No. 4359, Sheet 5 and dated 12/08/2011;
  - Upper Floor Plan prepared by Stuart Osman Building Job No. 4359, Sheet 6 and dated 12/08/2011;
  - Contour and Detail Survey, prepared by Alan Sullivan and Associates Pty Ltd, Job No. 11.3199 and dated 9/09/2011;except where varied by the conditions of this consent. [GEN0005]
2. Advertising structures/signs to be the subject of a separate development application (where statutorily required). [GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.

6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. This Plan of Management shall be consistent with the draft plan of management provided to Council by the applicant dated 5th June 2014. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

## USE

13. 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.
14. 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

[USE0125]



operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

15. 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]

16. 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]

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

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking or driveway parking associated with the tourist accommodation use of the site.

20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.

21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

**7 [PR-PC] Development Application DA14/0160 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 38 DP 1066506 No. 1 North Point Avenue, Kingscliff**

**RECOMMENDED** that Development Application DA14/0160 for a dual use of existing dwelling - tourist accommodation and residential at Lot 38 DP 1066506 No. 1 North Point Avenue, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:
  - Plan showing Site Plan (sheet 1 of 2), prepared by Clarke Dowdle & Associates and dated 3 March 2014;
  - Plan showing Floor Plan (sheet 2 of 2), prepared by Clarke Dowdle & Associates and dated 3 March 2014,except where varied by the conditions of this consent. [GEN0005]
2. Advertising structures/signs to be the subject of a separate development application (where statutorily required). [GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
4. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.
5. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
6. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
7. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
8. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
9. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of

short term tourist accommodation and subsequent to any future amendments being made to the document.

10. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
11. All landscaping is to comply with the S88B instrument pertaining to the site.
12. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.

[GENNS01]

## USE

13. 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.
14. 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.
15. 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.
16. 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.

[USE0125]

[USE0175]

[USE0225]

[USE0245]

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

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.  
[USENS01]

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

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Arrangements for emergency and evacuation arte to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
3. The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

#### **8 [PR-PC] Development Application DA14/0161 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 115 DP 1066504 No. 17 Malibu Street, Kingscliff**

**RECOMMENDED** that Development Application DA14/0161 for dual use of existing dwelling - tourist accommodation and residential at Lot 115 DP

1066504 No. 17 Malibu Street, Kingscliff be approved subject to the following conditions:

GENERAL

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

Drawing	Prepared by	Dated
Site Plan	Clarke Dowdle and Associates	03/03/14
Lower Floor Plan/Upper Floor Plan	Clarke Dowdle and Associates	03/03/14
Elevations	QSP	30/08

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.
5. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
6. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
7. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
8. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
9. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.

10. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
11. All landscaping is to comply with the S88B instrument pertaining to the site.
12. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.

[GENNS01]

## USE

13. 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.
14. 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.
15. 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.
16. 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.

[USE0125]

[USE0175]

[USE0225]

[USE0245]

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

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.  
[USENS01]

**9 [PR-PC] Development Application DA14/0199 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 77 DP 1066472 No. 3 Cathedral Court, Kingscliff**

**RECOMMENDED** that Development Application DA14/0199 for dual use of existing dwelling - tourist accommodation and residential at Lot 77 DP 1066472 No. 3 Cathedral Court, Kingscliff 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:
  - WS274 Sheet 10 Issue B - Floor Plans dated Dec 2004; and
  - WS274 Sheet 06 - Elevations dated 22/11/04.prepared by Witzig Schulz Architects, except where varied by the conditions of this consent.  
[GEN0005]
2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.  
[GENNS01]

## USE

13. 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]



14. 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]
15. 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]
16. 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]
17. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

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

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
3. The existing building on proposed Lot 77 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

**10 [PR-PC] Development Application DA14/0206 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 305 DP 1070793 No. 3 Cactus Court, Kingscliff**

**RECOMMENDED** that Development Application DA14/0206 for dual use of existing dwelling -tourist accommodation and residential at Lot 305 DP 1070793 No. 3 Cactus Court, Kingscliff be approved subject to the following conditions:

**GENERAL**

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

Title	Prepared by	Dated
Pool Plan/Site Plan	Harcourt Consulting Engineers	February 2007
Site Plan	Neo Concepts	March 2005
Ground Floor Plan	Neo Concepts	February 2005
First Floor Plan	Neo Concepts	February 2005
Elevation Plan (north and east)	Neo Concepts	February 2005
Elevation Plan (south and west)	Neo Concepts	February 2005

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.  
[GENNS01]

USE

13. 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]
14. 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]
15. 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]
16. 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]
17. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.  
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the

appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

**11 [PR-PC] Development Application DA14/0288 for a Detached Dual Occupancy at Lot 50 DP 1186189 No. 305 Casuarina Way, Kingscliff**

**RECOMMENDED** that Development Application DA14/0288 for a detached dual occupancy at Lot 50 DP 1186189 No. 305 Casuarina Way, Kingscliff 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 sheet 1, 3, 4, 5, 6, 7, 8 and 9, prepared by Parameter Design and dated 28 April 2014, Plan No. 13-045 sheet 1 of 1 issue C titled Landscaping Concept dated November 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. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of 1.2 metres in height, prior to any construction of the fence being commenced.

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

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

[GEN0145]

4. 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. 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]
6. No object (fence or landscaping etc) is permitted within the 2 metre by 2 metre 'sight line triangle' adjacent to the hereby approved driveways, in accordance with Council's Driveway Access to Property Specification.

[GENNS01]
7. Fences and walls are to comply with the provisions of Council's Development Control Plan B11 - Seaside City.

[GENNS02]
8. Cut and fill are to comply with the provisions of Council's Development Control Plan A1 - Residential and Tourist Development Code.

[GENNS03]
9. Landscaping species are to comprise no less than 80% native species.

[GENNS04]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. 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]
11. 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]
12. Stormwater
  - (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
  - (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.

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

[PCC1135]

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

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

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. For developments containing less than four attached or detached dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements. [PCC1175]
16. 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]

#### PRIOR TO COMMENCEMENT OF WORK

17. 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]



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

[PCW0015]

19. 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]

20. 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]

21. 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]

22. 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]

23. 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]

- 24. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.  
[PCW0955]
- 25. 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]

- 26. 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]
- 27. 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]

#### DURING CONSTRUCTION

- 28. 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]

29. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

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 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]

32. 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]

33. 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]

34. 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]

35. Excavation

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

36. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
37. 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]
38. 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]
39. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works, when required. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works. [DUR1075]
40. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
41. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
42. 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 blown from the site. [DUR2185]
43. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR2245]
44. 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]

45. 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]

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

[DUR2505]

47. 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]

48. 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

49. 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]

50. 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]

51. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building.

[POC0245]

52. 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]

53. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's 'Contribution Sheet' signed by an authorised officer of Council, except in the case of any S94 Plan No 28 contributions, which must be paid within 30 days of commencement of the erection of a dwelling house, units or commercial development.

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

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

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

(a) Tweed Road Contribution Plan:  
1.3 Trips @ \$1199 per Trips \$1,559  
(\$1,145 base rate + \$54 indexation)  
S94 Plan No. 4  
Sector7\_4

(b) Shirewide Library Facilities:

0.875 ET @ \$847 per ET \$741  
 (\$792 base rate + \$55 indexation)  
 S94 Plan No. 11

(c) Bus Shelters:  
 0.875 ET @ \$64 per ET \$56  
 (\$60 base rate + \$4 indexation)  
 S94 Plan No. 12

(d) Eviron Cemetery:  
 0.875 ET @ \$124 per ET \$109  
 (\$101 base rate + \$23 indexation)  
 S94 Plan No. 13

(e) Community Facilities (Tweed Coast - North)  
 0.875 ET @ \$1404 per ET \$1,229  
 (\$1,305.60 base rate + \$98.40 indexation)  
 S94 Plan No. 15

(f) Extensions to Council Administration Offices  
 & Technical Support Facilities  
 0.875 ET @ \$1880.38 per ET \$1,645.33  
 (\$1,759.90 base rate + \$120.48 indexation)  
 S94 Plan No. 18

(g) Regional Open Space (Casual)  
 0.875 ET @ \$1103 per ET \$965  
 (\$1,031 base rate + \$72 indexation)  
 S94 Plan No. 26

(h) Regional Open Space (Structured):  
 0.875 ET @ \$3872 per ET \$3,388  
 (\$3,619 base rate + \$253 indexation)  
 S94 Plan No. 26

(i) Seaside City Structured Open Space:  
 0.875 ET @ \$4268 per ET \$3,734.50  
 (\$3,585 base rate + \$683 indexation)  
 S94 Plan No. 28

[POC0395/PSC0175]

54. 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]

55. 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.



As this lot has not previously been connected to Council's Water Supply and Sewerage Schemes, the following capital contributions in addition to and physical works required to connect the development are required under Section 306 of the Water Management Act and must be paid within 30 days of commencement of the erection of a dwelling house, units or commercial development.

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

Water DSP6:	1 ET @ \$12907 per ET	\$12,907
South Kingscliff Water Levy:	1 ET @ 307 per ET	\$307
Sewer Kingscliff:	1 ET @ \$6201 per ET	\$6,201

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

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

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

[POC0675/PSC0165]

56. 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]

## USE

57. 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]

58. 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]

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

[USE0435]

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

[USE0735]

**12 [PR-PC] Development Application DA13/0383 for Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah**

**RECOMMENDED** that Development Application DA13/0383 for redevelopment of 'Jenners Corner' site incorporating a boat showroom, boating facility, two cafes and caretakers residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah be deferred and Council requests the applicant to:

1. Withdraw the Development Application due to the unsuitability of the boating facility component,
2. Consult with the Resident's Association in regard to appropriate uses for this key site,
3. Lodge a new Development Application for the cafe/restaurant and other more suitable uses.

**13 [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:

- A. 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 refused for the following reasons:

1. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(ii), the orderly and economic use and development of the land.

It is Council's view that the proposal has the ability to impact negatively upon the subject site and adjacent land; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning & Assessment Act 1979.

2. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(vi), the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

It is Council's view that the proposal has the ability to impact upon the protection and conservation of native animals and plants; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning & Assessment Act 1979.

3. In accordance with Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be compliant with Environmental Planning Instruments.

It is Council's view that the proposed development is inconsistent with the aims of:

State Environmental Planning Policies:

- SEPP 71: Coastal Protection
- NCREP: Clauses 32B and 43

It is Council's view that the proposed development does not satisfy the provisions contained within:

The Tweed LEP 2000:

- Clause 4: Aims of this plan
- Clause 5: Ecologically sustainable development
- Clause 8(1): Consent Considerations
- Clause 11: The Zones
- Clause 39A: Bushfire Protection

The Draft Tweed LEP 2012:

- Clause 1.2: Aims of Plan

- Clause 2.3: Zone Objective and Land Use Table
- Clause 5.5: Development within the Coastal Zone

Development Control Plan 2008:

- Section A1 Part A: Dwelling Houses, Dual Occupancy, Secondary Dwellings, Alterations and Additions and Ancillary Development
- Section A5: Subdivision Manual

Tweed Shire Coastline Management Plan 2005:

NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast.

4. Pursuant to Section 79C (1) (c) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed site is not considered suitable for the proposed development.

It is Council's view that in order to facilitate development and comply with bushfire and planning regulations, the development is likely to result in a significant and unacceptable impact on a candidate Endangered Ecological Community, threatened species and their habitat.

5. In accordance with Section 79C (1) (e) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be in the public interest.

It is Council's view that it is in the broader general public interest to enforce the standards contained within the Tweed LEP 2000 specifically as it relates to the aims of the plan, unacceptable cumulative impact and ecologically sustainable development.

B. The following action be taken:

1. Report an additional *Archidendron hendersonii* record to the Office of Environment and Heritage to be recorded on the Bionet - Atlas of NSW Wildlife database.
2. Continue liaison with the Office of Environment and Heritage to investigate modification to the candidate Endangered Ecological Community on the site and alleged non-compliance with conditions of Section 91 Certificates issued by the Office of Environment and Heritage.
3. Investigate use of the existing dwelling on the site for the purpose of tourist accommodation given the prohibition of such land use in the R2 Low Density Residential zone and absence of relevant

development consent for such use in the 2(a) Low Density Residential zone prior to 4 April 2014.

**14 [PR-PC] Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff**

**RECOMMENDED** that Development Application DA14/0164 for dual use of existing tourist accommodation - residential and tourist accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff be deferred for a workshop.

**15 [PR-PC] Class 1 Appeal - Development Application DA12/0527 for Internal Alterations and Additions Comprising of a New General Store, Extension of Entrance and Car Park Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West**

**RECOMMENDED** that the report on Class 1 Appeal - Development Application DA12/0527 for Internal Alterations and Additions Comprising of a New General Store, Extension of Entrance and Car Park Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West be received and noted.

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

**RECOMMENDED** that Council's Solicitors be engaged to defend the appeal.

**17 [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** that Council's Solicitors be engaged to defend the appeal.

**18 [PR-PC] Cobaki Estate, Compliance Update**

**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. An application for appeal has been filed.

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

**RECOMMENDED** that:

1. The report on Cobaki Estate, Compliance Update be received and noted.

2. Council notes extreme concern in regard to:
  - a) The extensive inundation of the Saltmarsh and other vegetation communities,
  - b) The length of time of inundation, being first reported in February and still unresolved,
  - c) Potential ecological impacts, including potential acid sulfate discharge,
  - d) The potential for increased risk of flooding to the local communities,
  - e) The elevated mosquito numbers apparent and subsequent risk for the Tweed and Gold Coast communities to mosquito borne viruses,
  - f) The potential impacts for Commercial and Recreational fishing on this Class 1 Fisheries habitat of the Cobaki Broadwater, and
3. Council requests the General Manager to keep Councillors informed of further investigations by the Environment Protection Authority and the Federal Government.

**19 [PR-PC] Unauthorised Earthworks and Pollution Events at Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum**

**RECOMMENDED** that:

- A. ATTACHMENT 1 is 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.
- B. Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:
  1. Issues a Notice of Direction to take clean-up action under Section 91 of the Environment Operations Act 1997, to the owner of the site, to undertake remediation works on the adjoining property Lot 2 DP 815182 and adjoining parts of Hopping Dicks Creek; and
  2. Instructs Council's solicitors to commence Class 5 proceedings in the NSW Land and Environment Court action in respect of the failure by the site owner to gain development consent for certain works on the Crown Road Reserve that runs through Lots 127 and 128 DP

755724 under the Environmental Planning and Assessment Act 1979.

**20 [PR-PC] Endorsement of Council Submission to the E-Zones Review Interim Report**

**RECOMMENDED** that Council endorses the submission to the E-Zones Review Interim Report sent to the NSW Planning & Infrastructure on 5 June 2014, as provided as an attachment to this report.

**21 [PR-PC] "Draft Regional Growth Planning Boundaries - NSW" - Department of Planning and Environment**

**RECOMMENDED** that Council:

1. Receives and notes the report titled "Draft Regional Growth Planning Boundaries - NSW" - Department of Planning and Environment;
2. Endorses that the General Manager forwards a submission to the Department of Planning and Environment detailing the issues of concern with the proposed draft Regions for Growth Planning, as detailed within this Report; and
3. Formally requests the Department of Planning and Environment to provide more specifics about the suitability of the North Coast Regions, as proposed, with particular reference detailing the Department's proposed administrative framework for establishing and maintaining collaborative, efficient and meaningful consultation and participation between the grouping of councils and their communities.

**22 [PR-PC] LEP Amendment No. 8 - Correction of Mapping Anomaly in Tanglewood**

**RECOMMENDED** that Council endorses:

1. A Planning Proposal to rezone part of Lot 2 DP 1084992 be prepared and submitted to the 'Gateway', as administered by the NSW Planning & Environment, for a determination;
2. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is not seeking plan making delegations for this planning proposal;
3. The Minister for Planning and Infrastructure or his Delegate be advised that public exhibition is not required in this instance; and

4. Where no public exhibition is conditioned by the Minister or their delegate, Council endorses the reclassification of Lot 2 DP 1084992, to the extent only shown in this report, without the need for any further report to Council.

**23 [PR-PC] PP11/0002 Pottsville Employment Land - Wastewater Allocation**

**RECOMMENDED** that the allocation of 4.0 litres per second of wastewater within Council's sewer conveyance infrastructure to the Hastings Point Waste Water Treatment Plant from Lot 12 DP 1015369 No. 39 Kudgerie Avenue, Cudgera Creek be increased to a maximum 5.0 litres per second.

**24 [PR-PC] Draft Tweed Development Control Plan - Section A17 - Business, Enterprise and Industrial Zones**

**RECOMMENDED** that Council:

1. Adopts the Tweed Development Control Plan, Section A17 – Business, Enterprise and Industrial 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;
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.

**25 [PR-PC] Combined Planning Proposal PP13/0003 and Development Application DA13/0469 for a Highway Service Centre, Chinderah**

**RECOMMENDED** that:

1. Council endorses the making of the Local Environmental Plan amendment to facilitate the Highway Service Station on Lot 11 DP 1134229, Lot 1 DP 1165676 and Lot 1 DP 210674, Tweed Valley Way, Chinderah, and the referral of Planning Proposal (PP13/0003) to the NSW Department of Planning and Environment to be made, and
2. Prior to any referral being made to the NSW Department of Planning and Environment that the planning proposal be first updated to reflect the final traffic design layout submitted to Council's satisfaction and in support of the Development Application DA13/0469, as discussed in this report, and
3. Council is of the view that a very high standard of landscaping needs to be provided due to the location of this key site and the need to reflect the values of the National Iconic Landscape Values of the Shire.



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

**RECOMMENDED** that Council notes the July 2014 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

**27 [NOR-PC] Development Application DA13/0673 for the Erection of Eight Boat Storage Sheds (69 Bays) at Lots 9-10 DP 24164 Nos. 10-12 Chinderah Bay Drive, Chinderah; Lots 9-12 DP 830655 Nos. 2-8 Chinderah Bay Drive, Chinderah**

**PROPOSED** that the Council resolution from the Planning Committee Meeting held on 3 July 2014 at Minute No 385 Item No 15 being:

*"... that Development Application DA13/0673 for the Erection of Eight Boat Storage Sheds (69 Bays) at Lots 9-10 DP 24164 Nos. 10-12 Chinderah Bay Drive, Chinderah; Lots 9-12 DP 830655 Nos. 2-8 Chinderah Bay Drive, Chinderah be refused for the following reasons:*

1. *Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is not considered to be compliant with Environmental Planning Instruments.*

*The proposed development does not satisfy the provisions contained within:*

*Environmental Planning & Assessment Act 1979 section 5(a)  
Objects of the Act:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (iv) ecologically sustainable development,*

*Tweed Shire Local Environment Plan 2000:*

- Clause 4: Aims of this plan*
- Clause 5: Ecologically sustainable development*
- Clause 8(1): Consent Considerations*

2. *The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a)(ii) - the provisions of any Draft Environmental Planning Instruments in that boat storage is prohibited within the B4 Mixed Use Business zone.*
3. *The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a)(ii) - the provisions of any Draft Environmental Planning Instruments in that boat storage does not satisfy the objectives of the B4 Mixed Use Business zone, and the development precludes public transport by the nature of this use requiring private vehicles.*
4. *Pursuant to Section 79C (1)(b) of the Environmental Planning & Assessment Act 1979, the proposed development is not considered to be compliant due to impacts on the natural and built environments, and social and economic impacts in the locality, including the additional burden placed on associated public infrastructure required to service the development, and the potential for cumulative development of this nature to indirectly exacerbate riverbank erosion and impacts on marine ecology.*
5. *Pursuant to the section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the development due to the impact of storage uses in the Chinderah village, in light of the industrial nature of boat storage, considering that storage units are prohibited in the 3(d) Waterfront Enterprise zone, and given that land with industrial zoning is located in close proximity.*
6. *Pursuant to the section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the development is not considered to be in the public interest.*

***be rescinded.***

The Motion was **Lost**

**28 [NOM-PC] Development Application DA13/0673 for the Erection of Eight Boat Storage Sheds (69 Bays) at Lots 9-10 DP 24164 Nos. 10-12 Chinderah Bay Drive, Chinderah; Lots 9-12 DP 830655 Nos. 2-8 Chinderah Bay Drive, Chinderah**

This item lapsed due to the Notice of Rescission at Item No. 27 being lost.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**2 [CNR-CM] Variation Report EC2013-092A Arkinstall Park Regional Tennis Centre Design and Construction of Eight Courts**

442

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that, in relation to EC2013-092A Arkinstall Park Regional Tennis Centre Design and Construction of Eight Courts:

1. Council approves the anticipated variations contained within Confidential Attachment A as they take the total variations to more than \$150,000 and therefore exceeds the General Manager's authorised delegation.
2. The General Manager is granted delegated authority to approve variations up to 10% of the revised contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland  
AGAINST VOTE - Cr K Milne**

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There being no further business the Meeting terminated at 6.13pm



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**