



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

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

Minutes

Planning Committee Meeting Thursday 1 May 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C
79C Evaluation

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note: See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

(2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
 - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note: The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
 - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

THIS PAGE IS BLANK

The Meeting commenced at 5.01pm.

IN ATTENDANCE

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

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

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer read by the Mayor.

CONFIRMATION OF MINUTES

1 [CONMIN-PC] Confirmation of Minutes of the Ordinary Planning Committee Meeting held on Thursday 3 April 2014

P 34

**Cr M Armstrong
Cr P Youngblutt**

RECOMMENDED that the Minutes of the Ordinary Planning Committee Meeting held Thursday 3 April 2014 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

APOLOGIES

Nil

DISCLOSURE OF PECUNIARY INTEREST

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

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Pecuniary, Non-Significant conflict of interest in Items 15 and 16.

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

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

Cr Bagnall declared a Non Pecuniary Non Significant conflict of interest in Item 6. The nature of the interest is that Cr G Bagnall lives down that street. Cr G Bagnall will manage the Interest by staying in the Chambers and voting on the matter.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 Schedule of Outstanding Resolutions

That the Schedule of Outstanding Resolutions was received and noted.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

P 35

**Cr B Longland
Cr K Milne**

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

1. In accordance with Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (as amended), the proposed development is not considered to be compliant with the following development control plan controls:
 - i. The development does not satisfy the requirements of Tweed DCP 2008 - Section A1, Residential and Tourist Code, particularly Section 2.2 in that it does not provide sufficient deep soil zones to either the rear or front of the property and it does not satisfactorily integrate with the character of the locality and streetscape in terms of its visual impact on existing urban development;
 - ii. The development does not satisfy the requirements of Tweed DCP 2008 - Section A1, Residential and Tourist Code, particularly Section 4.5, in that it fails to satisfactorily address the need for acoustic privacy due to its location (as a workshop/boat storage facility) less than one metre from the main bedroom window of the adjoining property.
 - iii. The development does not satisfy the requirements of Tweed DCP 2008 - Section A1, Residential and Tourist Code, particularly Section 6.2 in that the proposed structure is not visually consistent with the design of the existing dwelling, it fails to reinforce the desired future character and streetscape of the area, particularly the Beatrice Court precinct, and it fails to preserve the amenity of the adjoining property.

The Motion was **Carried**

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

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

P 36

**Cr P Youngblutt
Cr C Byrne**

RECOMMENDED that:

- A. Development Application DA06/1412.04 for an amendment to Development Consent DA06/1412 for demolition of existing shed and replace with new storage shed at Lot 22 DP 815069 No. 20 Gurrinyah Drive, Stokers Siding be approved and the consent be amended as follows:
1. Delete Condition No. 16 and replace it with Condition No. 16A which reads as follows:

16(A) The building is not to be used for any habitable commercial or industrial purpose. This condition does not restrict or prohibit the use of the shed for the purpose of agriculture conducted on the property which is the subject of this consent.
- B. Council Compliance Officers follow up to require the removal of the kitchen sink and oven from the storage shed.
- C. ATTACHMENTS 1-12 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The Motion was **Carried**

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

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

P 37

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that Development Application DA13/0745 for Alterations to the Existing Kingscliff North Holiday Park including Reconfiguration of Sites, Demolition Work and Associated Earthworks as well as Consent for the Overall Use of the Site as a Caravan Park at Part Lot 2 DP 1122062 No. 131 Marine Parade, Kingscliff be approved subject to the following conditions:

GENERAL

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

- Existing Site Plan (Drawing No. SK-02, Issue A), dated 25 October 2013;
- Site Demolition and Earthworks Plan (Drawing No. SK-03, Issue A), dated 25 October 2013;
- Proposed Site Plan (Drawing No. SK-04, Issue B), dated 21 November 2013, and;
- Site Details (Drawing No. SK-05, Issue B), dated 25 October 2013,

all prepared by Tweed Shire Council Design Unit, 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 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]

4. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.

[GEN0290]

5. Any foreshore area disturbed by works carried as part of this consent are to be rehabilitated to the satisfaction of Council's General Manager or delegate.

6. Access across foredune areas is to be confined to the existing specified points. This application is not to generate any further accessways across foredune areas.

[GENNS01]

7. This consent does not provide for a lesser distance of 10m of a moveable dwelling site or camp site boundary to a community building or facility under the provisions of Clause 88 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Such approval shall be the subject of assessment under the provisions of Section 68 of the Local Government Act 1993.
8. This consent does not amend or modify the current Sec 68 Approval issued under the provisions of the Local Government Act 1993. A further approval of the General Manager or delegate shall be required to be obtained and shall include but not be limited to the provisions of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, noting the site is within a coastal erosion zone.
9. The caravan park and camping ground shall generally be designed, constructed maintained and operated in general accordance with the provisions of Part 3, Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 except where varied by these conditions of consent.

[GENNS02]
10. The number of approved sites in the park is limited to 34 short term and 15 camp sites.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0585]
12. 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]

13. 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]

14. 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]

15. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

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

[PCC1325]

PRIOR TO COMMENCEMENT OF WORK

16. The proposed earthworks and internal road upgrade in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (a) 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
 - (b) 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

- (c) 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]

17. 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]

18. 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]

19. 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]

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

[PCW0665]

21. 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]

22. 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]

23. Plan Drawing No. SK-50 and Landscaping Concept Plan prepared by Plummer & Smith dated 28 November 2013 is not approved for the purposes of the provisions of Clause 88 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. An amended Community Map shall be submitted to the satisfaction of the General Manager or delegate.

[PCWNS01]

DURING CONSTRUCTION

24. 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]

25. 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]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

27. 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 development application)

[DUR0375]

28. Building materials used in development works on site are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

29. 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]

30. 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]

31. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

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

[DUR0645]

32. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

33. 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]

34. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1705]
35. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
36. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site. [DUR2185]
37. 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]
38. 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]
39. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR2535]
40. 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]
41. 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]

42. During excavation and removal of the sand mounds the sand material shall be monitored for naturally occurring radioactive material. Should levels exceed the Investigation Trigger Level Criteria of $0.35\mu\text{Sv hr}^{-1}$ excavations shall cease immediately. Works are not permitted to recommence until adequate subsurface site investigations are completed and a Remediation Action Plan, to the satisfaction of the General Manager or delegate, has been submitted where required.
43. Following the completion of any excavation works greater than 300mm in depth below the existing surface levels including the removal of the sand mounds, and once all services have been installed, a final site validation survey shall be completed and reported to the satisfaction of the General Manager or delegate to demonstrate compliance with an Action Level criteria of $0.7\mu\text{Sv hr}^{-1}$ or less at 1m above finished ground level.
44. No excavated soil obtained at greater than 300mm in depth, shall be disposed of off the site or relocated within the site where the radiation level of that material is above $0.7\mu\text{Sv hr}^{-1}$. Radiation levels of any materials proposed to be removed from the site shall be monitored and recorded by an appropriately qualified person. Record of the monitoring shall be maintained on site and made available to authorised officers of Tweed Shire Council on request.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

45. A satisfactory final inspection, where applicable, is to be carried out by Council prior to occupation or use commencing.
46. Prior to the occupation or use of any structure, where applicable, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0255]

[POC1045]

USE

47. 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.
48. 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.

[USE0125]

[USE0225]

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

1. The development proposal is to comply with the layout identified on the drawings prepared by I-Site Sustainable Solutions, referenced Job No. 29.07 (Drawing No. KN-03 and KN-04), dated 7 November 2013, except as modified by the following conditions.
2. The use of sites ST30 and ST31 for safari tents is not approved. Any future use of these sites shall be subject to a separate assessment under section 100B of the Rural Fires Act 1997.

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

3. 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'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

4. Water, electricity and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

5. Internal roads shall comply with section 4.2.7 of 'Planning for Bushfire Protection 2006' except that the perimeter road width may be less than 8 metres and a passing bay shall be provided along the eastern perimeter road, being 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. An emergency and evacuation plan addressing 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.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. The existing cabins on proposed site ST22 and ST23 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
8. New construction of cabins on proposed sites ST20 and ST21 shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
9. New construction of the Manager's Residence and cabins on proposed sites ST16 to ST19 (inclusive) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
10. Roofing of new structures shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Landscaping

11. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

P 38

AMENDMENT

Cr K Milne
Cr M Armstrong

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

The Amendment was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

The Amendment on becoming the Motion was **Carried** - (Minute No P38 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

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

DECLARATION OF INTEREST

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

P 39

Cr G Bagnall

Cr K Milne

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

GENERAL

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

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

as amended in red and prepared by Aspect Architecture and dated 5/11/2013, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

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

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

[GEN0155]

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

[GEN0190]

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

[GEN0265]

7. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

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

[GENNS01]

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

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

and a refreshment room is defined as:

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

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

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

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

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

[PCC0485]

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

- (a) Minimum non-habitable floor level for the building is RL 7.0m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

[PCC0705]

13. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access

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

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

- Traffic control plan

[PCC0895]

14. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

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

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

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

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

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[PCC1145]

17. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

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

[PCC1195]

19. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures. [PCC1225]
20. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges. [PCC1235]
21. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system. [PCC1255]
22. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval. [PCC1265]
23. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500. [PCC1275]
24. A site specific acoustic assessment shall be carried out by a suitably qualified person identifying each potential noise source from all plant and equipment intended to be installed to the satisfaction of the General Manager or Delegate. The report shall make recommendations for mitigation where required to demonstrate that a noise level, $L_{Aeq,15min}$ exceedence of no greater than 5dB(A) is achievable, in any Octave band centre, at the boundary of the site between the hours of 7am and 10pm all days.
25. Prior to the construction certificate being issued copies of 3 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be submitted to Council's Environmental Health Officers for assessment and approval, on the approved form and accompanied by the adopted fee:
- a. Floor plan
 - b. Layout of kitchens and bar showing all equipment
 - c. All internal finish details including floors, wall, ceiling and lighting
 - d. Hydraulic design in particular method of disposal of trade waste
 - e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
 - f. Servery areas including counters etc.

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

26. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements. Systems are to adequately designed and located so as not to cause a noise nuisance to adjoining properties when in operation.
27. Excavations beyond 2m of natural ground level are not permitted unless an acid sulfate soils investigation and MP, where necessary, has been approved to the satisfaction of the General Manager or delegate. [PCCNS01]
28. The development shall provide a transverse drainage system for the continuity of stormwater flows from the open drain on adjoining land to the north, through the development site, to the Stafford Street stormwater drainage system, for all events up to and including the 100 year ARI storm event. Any piped system serving this purpose must be supplemented by an overland flow path that will operate in a manner that will minimise potential damages and nuisance in the event of a pipe failure. The design of the pipe inlet must include a safety factor of 2 to account for blockage. The s68 Stormwater Application shall include a hydraulic assessment of the transverse drainage system, which demonstrates that the system will provide a "no worsening" post-development case for upstream land for events up to and including the 100 year ARI event. The hydraulic assessment shall include identification of the extent of all contributing catchments, as verified by on site survey. An easement benefitting Council shall be created over the transverse drainage system prior to occupation. [PCCNS02]
29. The development shall provide for the mitigation for stormwater runoff generated by the development with the existing downstream stormwater infrastructure in place, in accordance with Development Design Specification D5 - Stormwater Drainage Design Clause D5.16 Stormwater Detention. Engineering details of an adequate stormwater detention system shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of a construction certificate. [PCCNS03]
30. The construction certificate application shall include certified engineering details of the proposed access platform adjacent to Council's levee. The platform shall be of light weight construction and must be readily removable from its structural supports and relocatable without the need for special equipment. No structural supports are permitted within three (3) metres horizontal distance of the surveyed top of the levee embankment. The platform must be designed to impose minimal bearing forces on the levee.
31. The developer must obtain all necessary separate State Government approvals for any works on Lot 8126 DP 755698 (State Crown Land). [PCCNS04]
32. Any future development of this site will require an updated civil work plan and Amended architectural Plans that shows the placement of piers and footings for the building to be at least 1.0 metres horizontally clear of sewer main on site.
33. Sewer depth and actual location must be confirmed on site and recorded on construction plans prior to construction.

34. A suitably qualified engineer shall design any retaining walls, pier or footing depths based on the geotechnical conditions on site and the plans must be submitted to Council to demonstrate the Council Sewers - Works in Proximity Policy has been adhered to.
35. Access to the manhole must be available at all times. Any fencing around the underground car park must include removable fencing over the sewer easement to enable access, as per the Council Sewers - Works in Proximity Policy.
36. Construction joints or removable paving must be shown on the final design plans for the car park concrete slab along the alignment of the 3.0 metre width over the existing sewer, to enable council to remove and reinstate flooring without destruction, and limit the scale of removal whilst undertaking construction works on the sewer.
37. Any alterations to approved plans shall be confirmed by Council Manager Water Engineer prior to construction.
38. Council requires a legal arrangement and easement which will burden current and future owners of the property to permit Council to maintain, and re-construct these works as and when required. That is, twenty-four hour access is required to repair, maintain and reconstruct the sewer.
39. The height between the carpark concrete slab and the building overhead must be a minimum clearance of 2.4 metres to enable clear access for future sewer excavations at the site may have adequate clearance to work in the space created by the structure.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

40. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
- [PCW0005]
41. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.
- [PCW0045]
42. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

43. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

44. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

45. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

46. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
[PCW0665]
47. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.
[PCW0985]
48. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.
[PCW1065]
49. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
[PCW1170]
50. Any alterations to approved plans shall be confirmed by Council W&S Systems Engineer prior to construction.
51. Should any part of the sewerage reticulation infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.
52. Documentary evidence of creation of the required 3.0 metre easement over the existing sewer within Lot 10 Sec 4 DP2974 and Lot 9 Sec 4 DP2974 and the legal agreement required as per Condition 37 shall be submitted to Tweed Shire Council.
53. Excavation, shoring and dewatering of the approved works must be considered when undertaking works. Any permits required to undertake dewatering shall be obtained prior to commencing. The applicant shall conduct a thorough site assessment to determine trench safety for the approved works.
[PCWNS01]

DURING CONSTRUCTION

54. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.
[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

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

[DUR0215]

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

[DUR0245]

58. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

59. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

60. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

61. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

62. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

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

[DUR0645]

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

[DUR0815]

64. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

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

[DUR0985]

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

[DUR0995]

67. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

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

[DUR1415]

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

[DUR1795]

70. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
[DUR1875]
71. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.
[DUR1955]
72. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site. Demolition waste receipts quoting DA13/0679, attained from an approved landfill business, shall be submitted to Council within 3 days of transport.
[DUR2185]
73. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.
[DUR2445]
74. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
75. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
76. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
[DUR2535]
77. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
[DUR2545]

78. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

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

[DUR2645]

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

[DUR2705]

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

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

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

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

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

86. A noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate

[POC0125]

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

[POC0205]

88. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

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

[POC0355]

90. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- (a) Tweed Road Contribution Plan:
- | | |
|---------------------------------------|----------|
| 50.1336 Trips @ \$1364 per Trips | \$68,382 |
| (\$1,317 base rate + \$47 indexation) | |
| S94 Plan No. 4 | |
| Sector9_4 | |

[POC0395/PSC0175]

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water: 0.1312 ET @ \$12575	\$1649.84
Sewer: 1.2884 ET @ \$6042	\$7784.51

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

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

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

92. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.
[POC0755]
93. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.
[POC0855]
94. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.
[POC0985]
95. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.
[POC1045]
96. An easement in favour of Tweed Shire Council shall be created over the full length of the flood levee within the subject land. The easement width shall extend from the rear (north western) boundary to three (3) metres (measured horizontally) on the landward side of the surveyed top of the levee embankment prior to the issue of an Occupation Certificate.
[POCNS01]

USE

97. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

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

[USE0165]

99. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

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

Office Tenancies

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

Cafe Tenancy

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

[USE0185]

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

[USE0225]

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

[USE0245]

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

[USE0305]

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

- (a) Must be maintained in a proper and efficient condition, and

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

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

[USE0315]

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

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 13/0679 and provided by Council.
2. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
3. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
4. The consent holder must prepare or commission the preparation of:
 - (i) Erosion and Sediment Control Plan
5. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.au/Water-licensing/Approvals/default.aspx
6. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
7. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
8. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
9. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
10. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water.

These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

11. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
12. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

P 40

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that Development Application DA13/0577 for a 88 lot subdivision - stages 15 to 18 Seabreeze Estate at Lot 1147 DP 1115395; Seabreeze Boulevard POTTSVILLE be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:
 - 17850 B Revision E (Proposed Subdivision - Stages 15, 16 & 18);
 - 17683 B Revision C (Stage 17)

Prepared by B & P Surveys and dated 29 January 2014, except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

3. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
5. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.
[GEN0180]
6. The approved subdivision/development shall not result in any clearing of native vegetation without prior approval where required from the relevant authority.
[GENNS01]
7. The development must meet the Council Sewer - Works in Proximity Policy, regarding construction on or near the existing sewer. This includes landscaping and fencing near sewers and manholes.
8. The sewer layout plan submitted in this application (received via email from DAC on Friday 21 March, Plans SK4055 to SK4057) is considered to be preliminary and is subject to change to meet Council sewer design requirements.
9. The small unmarked area of land adjacent to the western side of Lot 1601, fronting Lennox Circuit, is to be incorporated as part of Lot 1601.
10. No roadworks are required in Tom Merchant Drive for the frontage of Lot 1702. The applicant is however advised that road frontage works will be necessary in conjunction with any future development proposal over that lot, and will be imposed accordingly at that time.

This is an advisory condition only.
11. The proposed Drainage Reserve adjoining the northern boundaries of Lots 1802 and 1803 has not been provided with a lot number, nor annexed to any particular 'Stage'.

This lot is to be dedicated to Council as Drainage Reserve in conjunction with the first Stage being released.
12. The relocated overland flowpath depicted on plan 'Amended Overland Flow Sketch' dated 2.9.2013 is not to be implemented as part of this development consent.
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. Prior to the issue of a Civil Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Principle Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - a) Hours of work;
 - b) Contact details of site manager;
-

- c) Traffic and pedestrian management;
- d) Noise and vibration management;
- e) Construction waste management;
- f) Erosion and sediment control; and,
- g) Flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Principle Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

[PCC0125]

14. All Construction Certificate Applications for subdivision works shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the proposed development, prepared in accordance with Section D7.07 of Council's *Development Design Specification D7 - Stormwater Quality*. Such plans are to include measures, monitoring and adaptive management actions to ensure appropriate stormwater quality outcomes are achieved.

Permanent stormwater quality treatment shall comply with the *Tweed Urban Stormwater Quality Management Plan* and Council's *Development Design Specification D7 - Stormwater Quality*. Variations to these standards shall only be accepted where they are supported by best practice water sensitive urban design principles entailed in the "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership).

Treatment basins must be provided with a facility to bypass major stormwater flow events (greater than the Q3 month storm event), or otherwise cater for major storm flows without disturbing captured pollutants or damaging the structure.

Proposed treatment measures other than "deemed to comply" measures as specified in Council's *Development Design Specification D7*, must be supported by engineering calculations, including MUSIC modelling, to confirm that acceptable capacity and efficiency is achieved.

An Operational Manual for all stormwater quality control devices must be provided as part of the SWMP. This manual must be updated as required during the Defects Liability ("On-Maintenance") Period for the device and the final version of the manual must be handed over to Council at the formal commissioning of the device, at the completion of the Defects Liability Period ("Off Maintenance").

[PCC0165]

15. Proposed Lot 1803 shall be suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover (as may be required) in accordance with detailed plans to accompany the Construction Certificate application. Where play equipment is installed a minimum area of 10m around the equipment is to be turfed and the remaining area seeded.

Where a developer pays Council to acquire and install play equipment, Council will NOT install the equipment until a minimum of 20% of the lots in that stage of the development are occupied. The embellishment shall be completed prior to the issue of a Subdivision Certificate.

[PCC0235]

16. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

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

[PCC0285]

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

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

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

[PCC0455]

19. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A1 and Councils Development Design and Construction Specifications.

Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

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

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

[PCC0485]

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

- (a) Design flood levels to be adopted for each subdivision Stage are:

STAGE 15 = RL 3.1m AHD
STAGE 16 = RL 3.2m AHD
STAGE 17 = RL 2.8m AHD
STAGE 18 = RL 3.1m AHD

- (b) All residential allotments shall be filled to a minimum of the design flood level.
- (c) All residential allotments shall be provided with a high level flood evacuation route in accordance with Development Control Plan Section A3 - Development of Flood Liable Land.
- (d) Where batters exceeding 0.6m in height are required along road frontages to achieve the required fill level, typical driveway designs shall be provided with the construction certificate to ensure complaint vehicular access in accordance with the Driveway Access to Property - Design Specification.

[PCC0705]

22. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

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

URBAN ROADS and INFRASTRUCTURE

- (a) Construction of roads and all necessary stormwater, sewer, water, telecommunications and electrical infrastructure for each Stage, generally as nominated in the plans by Bradlees submitted to Council on 21.3.2014.

OTHER

- (b) Review and amend the finished surface levels for areas within and separating Stages 15 and 16 in order to eliminate or reduce the extent of proposed retaining walls. This will need to be addressed as part of the construction certificate submissions for those Stages.
- (c) All retaining walls are to be wholly contained within private lots.
- (d) The retaining wall shown within the western portion of Lot 1802 is not approved by this consent. Similarly, the proposed retaining walls bordering the existing Drainage Reserve and SPS site are unnecessary, unless required to facilitate road construction, provisioning of necessary public infrastructure, or smooth merging with future ground levels for Lot 1607.
- (e) The proposed road from Stage 15 that intersects with Lennox Circuit appears to have inappropriate sight distance for the posted 50km/h speed limit on these roads.

Should a 40km/h safe speed limit be required for satisfactory implementation, then appropriate traffic calming devices would be required, in accordance with AS1742.13 - Local Area Traffic Management. Full details are to be provided with the construction certificate application for Stage 15.

- (f) The sewer provisioning proposal is considered as being conceptual only. There are numerous bends and changes of angle (in the sewer lines) depicted without a sewer manhole, which must be rectified. Full design detail is to be submitted with construction certificate applications for all Stages.
- (g) All new roads are to be provided with a concrete footpath.
- (h) Provision of pedestrian/cycleway connectivity between existing infrastructure and Lot 1803 (proposed Public Reserve) is to be addressed with any approval being issued for works to be undertaken on this lot.

[PCC0875]

24. 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]

25. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

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

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

27. 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]

28. Where water is to be drawn from Councils reticulated system, the proponent shall:
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Councils adopted fees and charges. [PCC1205]
29. The sewer layout plans provided within DA13/0577 do not meet the TSC Subdivision Design Standards for Sewer - D12 and prior to construction certificate, new plans meeting D12 must be provided.
30. Sewer plans provided within DA13/0577 are considered indicative only and updated plans meeting D12 must be provided.
31. Internal falls through manholes must be provided as per WSA02-2002.
32. Self cleansing flows though sewer reticulation must meet TSC Subdivision Design Standards for Sewer - D12.
33. Where proposed gravity sewer will not connect into existing stub, a new sewer connection may be required.
34. Locations of maintenance structures must meet D12.08.1 (d)
35. The construction certificate application shall include engineering calculations that confirm that the stormwater drainage system in Lennox Circuit has sufficient capacity to accept additional stormwater flows from Road 1, in accordance with the requirements of Development Design Specification D5 - Stormwater Drainage Design, or provide an alternate stormwater design.
36. The landforming plans for Stage 17 shall include the provision of trafficable maintenance paths within proposed drainage reserve allotment 1748 and 1749, to the satisfaction of the Director Engineering. [PCCNS01]
37. A detailed landscape plan prepared by a qualified landscape architect must be submitted for all Public Reserves and roads to be dedicated to Council, including but not limited to areas of casual open space, structured open space, cycleways, pedestrian walkways and streetscapes prior to the issue of a Construction Certificate. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and include embellishments such as listed in Councils Subdivision Manual (Section A5 of the Tweed Development Control Plan) and Development Design Specification (D14) and related Standard Drawings and include grassing, landscaping, seating, park activation areas, playground equipment and shade cover. The plans must provide slope information, indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

38. Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009). Appendix 3 of this establishes a procedure for assessing nearby hazards and mitigation measures. New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.
39. The plants listed in landscape plans are to include no noxious or environmental weed species, and utilise wherever practical species native to the local area. Such species are described in Tweed Shire Council's Native Species Planting Guide. [PCCNS02]
40. A site specific acid sulfate soil management plan shall be prepared in accordance with the NSW *Acid Sulfate Soil Manual*, ASSMAC 1998 to the satisfaction of the General Manager or delegate. The plan shall include but not be limited to site investigations, treatment and validation measures and reporting. [PCCNS02]
41. The applicant must submit to Council for approval by Council's General Manager or his delegate prior to the issue of a construction certificate a detailed landscape plan for Lot 1803 'Proposed Public Reserve' as shown on the approved subdivision layout plan. The detailed landscape plan must:
- a. Be prepared by a qualified landscape architect or similar landscape design professional;
 - b. Be in general accordance with the *Amended Statement of Landscape Intent Seabreeze Residential Estate Stages 15-18 Issue C dated 13 March 2014 prepared by Boyds Bay Planning*;
 - c. Reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this consent;
 - d. Comply with *Tweed Shire Council Development Design Specification D14 Landscaping Public Space Version 1.3*;
 - e. Contain no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species; and
 - f. Be consistent with arboricultural management recommendations detailed in the approved tree management plan for the *Ficus virens var. sub lanceolata* (White Fig) or any future management recommendations current at the time of detailed landscape plan preparation that has been approved by Council's General Manager or delegate. [PCCNS03]

42. An amended Dewatering Management Plan shall be prepared and submitted to Council's General Manager or his delegate for consideration and approval which details the following:
- a) A site plan drawn to scale which indicates the extent of the excavation area and estimated zone of influence of the dewatering activity relative to any adjoining buildings together with an assessment of any impacts likely to occur to any adjoining buildings as a result of the dewatering activities;
 - b) The location to be indicated on the site plan of the area that will be utilised for the positioning of any treatment tank or sedimentation pond on the site including any reserve area to be used for such purpose in the event of the need for additional treatment facilities to be incorporated on the site;
 - c) Details of the proposed method of mechanical aeration to be used in the event that it is necessary to aerate the groundwater to achieve an acceptable Dissolved Oxygen level prior to the offsite discharge of groundwater and where this will be incorporated on the site;
 - d) The provision of written advice from the operator of any on site groundwater treatment system stating that the system to be used will be able to treat the groundwater to the required treatment level prior to discharge.

Please note - particular attention is to be given to achieving the required detention times prior to discharge of the groundwater. Advice that the system is simply capable of achieving the necessary treatment will not be acceptable.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

43. 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]
44. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
 - (c) WorkCover Regulations 2000

[PCW0025]

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

[PCW0125]

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

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

[PCW0375]

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

[PCW0745]

48. Subdivision work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:

- (i) the consent authority, or
- (ii) an accredited certifier, and

- (b) the person having the benefit of the development consent:

- (i) has appointed a principal certifying authority,
- (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier - Stormwater management facilities construction compliance

C6: Accredited Certifier - Subdivision road and drainage construction compliance

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

- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

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

[PCW0815]

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

[PCW0835]

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

[PCW0985]

51. 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]

52. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.

[PCW1135]

DURING CONSTRUCTION

53. 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]

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

[DUR0025]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

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

[DUR0215]

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

[DUR0225]

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

[DUR0255]

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

[DUR0675]

60. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

[DUR0745]

61. During filling operations:

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

and upon completion,

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

[DUR0755]

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

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

[DUR0795]

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

[DUR0815]

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

[DUR0985]

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

[DUR0995]

66. 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]

67. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

68. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

69. All works shall be carried out in accordance with the Approved Acid Sulfate Soils Management Plan.

[DUR1065]

70. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers

and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

71. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

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

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

73. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

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

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final Practical Inspection - on maintenance
- (i) Off maintenance

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- (a) Earthworks and filter media
- (b) Structural components
- (c) Operational establishment
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) Off maintenance

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

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

The fee for the abovementioned inspections shall be invoiced upon completion of all subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

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

[DUR1955]

76. 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]

77. The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

[DUR2035]

78. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

[DUR2285]

79. Drainage Reserve

- (a) The proposed drainage reserves are to be dedicated to Council at no cost.
- (b) An accurate plan of the proposed drainage reserves shall be submitted to Council 60 days prior to lodgment of the relevant Application for Subdivision Certificate (form 13) to allow the land to be classified.

[DUR2295]

80. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]

81. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

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

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

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

[DUR2375]

83. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[DUR2575]

84. Dust and Erosion Management

- (a) Site earthworks are to be limited to a 5ha maximum at any time to reduce exposed areas. Completed areas are to be topsoiled and seeded immediately to protect them from water and wind erosion.
- (b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

- (c) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

85. 60 days prior to lodgment of Application for Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Sports Fields, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land, as detailed in the Local Government Act 1993.

[DURNS01]

86. No earthmoving equipment shall operate within Lot 1803 'Proposed Public Reserve' (as shown on the approved subdivision layout plan) for the purpose of retaining wall construction or any other civil works unless otherwise approved by Council's General Manager or delegate.

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

88. The applicant must complete all remedial tree management works on the *Ficus virens var. sublanceolata* (White Fig) situated within Lot 1803 'Proposed Public Reserve' (as shown on the approved subdivision layout) in accordance with Section 3 titled 'Observations and Works Requirements' of the approved tree management plan being *Tree Assessment and Management Plan Seabreeze Estate Pottsville dated 04 February 2014 prepared by Boyds Bay Environmental Services* during the first of any stage of the development approved by way of this consent. A project arborist who holds a minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) qualification must be engaged to undertake arboricultural work stipulated in the approved tree management plan.

89. All works adjacent to or within thirty (30) metres of the *Ficus virens var. sublanceolata* (White Fig) situated within Lot 1803 'Proposed Public Reserve' (as shown on the approved subdivision layout) onsite must be undertaken in accordance with the approved tree management plan being *Tree Assessment and Management Plan Seabreeze Estate Pottsville dated 04 February 2014 prepared by Boyds Bay Environmental Services* to ensure the is retained and protected. A project arborist who holds a minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) qualification must be engaged to undertake arboricultural work stipulated in the approved tree management plan. The applicant must comply with any directions given by the project arborist in respect to tree management measures to be employed onsite during construction to minimise/avoid any adverse impacts.

[DURNS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

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

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Councils contributions sheet and Certificate of Compliance signed by an authorised officer of Council.

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

Stage 15

Water DSP6:	23 ET @ \$12575 per ET	\$289,225
Sewer Hastings Point:	23 ET @ \$6042 per ET	\$138,966

Stage 16

Water DSP6:	14 ET @ \$12575 per ET	\$176,050
Sewer Hastings Point:	14 ET @ \$6042 per ET	\$84,588

Stage 17

Water DSP6:	45 ET @ \$12575 per ET	\$565,875
Sewer Hastings Point:	45 ET @ \$6042 per ET	\$271,890

Stage 18

Water DSP6:	1 ET @ \$12575 per ET	\$12,575
Sewer Hastings Point:	1 ET @ \$6042 per ET	\$6,042

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

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

[PSC0165]

92. Section 94 Contributions

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

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

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

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

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

Stage 15

(a) Tweed Road Contribution Plan: 149.5 Trips @ \$1330 per Trips (\$1,284 base rate + \$46 indexation) S94 Plan No. 4 Sector8_4	\$198,835
(b) Shirewide Library Facilities: 23 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$19,274
(c) Bus Shelters: 23 ET @ \$64 per ET (\$60 base rate + \$4 indexation) S94 Plan No. 12	\$1,472
(d) Eviron Cemetery: 23 ET @ \$123 per ET (\$101 base rate + \$22 indexation) S94 Plan No. 13	\$2,829
(e) Community Facilities (Tweed Coast - North) 23 ET @ \$1389 per ET (\$1,305.60 base rate + \$83.40 indexation) S94 Plan No. 15	\$31,947

- (f) Extensions to Council Administration Offices
& Technical Support Facilities
23 ET @ \$1860.31 per ET \$42,787.13
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18
- (g) Cycleways:
23 ET @ \$473 per ET \$10,879
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (h) Regional Open Space (Casual)
23 ET @ \$1091 per ET \$25,093
(\$1,031 base rate + \$60 indexation)
S94 Plan No. 26
- (i) Regional Open Space (Structured):
23 ET @ \$3830 per ET \$88,090
(\$3,619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 16

- (a) Tweed Road Contribution Plan:
91 Trips @ \$1330 per Trips \$121,030
(\$1,284 base rate + \$46 indexation)
S94 Plan No. 4
Sector8_4
- (b) Shirewide Library Facilities:
14 ET @ \$838 per ET \$11,732
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
14 ET @ \$64 per ET \$896
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
14 ET @ \$123 per ET \$1,722
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
14 ET @ \$1389 per ET \$19,446
(\$1,305.60 base rate + \$83.40 indexation)
S94 Plan No. 15

-
- (f) Extensions to Council Administration Offices
& Technical Support Facilities
14 ET @ \$1860.31 per ET \$26,044.34
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18
 - (g) Cycleways:
14 ET @ \$473 per ET \$6,622
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
 - (h) Regional Open Space (Casual)
14 ET @ \$1091 per ET \$15,274
(\$1,031 base rate + \$60 indexation)
S94 Plan No. 26
 - (i) Regional Open Space (Structured):
14 ET @ \$3830 per ET \$53,620
(\$3,619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 17

- (a) Tweed Road Contribution Plan:
292.5 Trips @ \$1330 per Trips \$389,025
(\$1,284 base rate + \$46 indexation)
S94 Plan No. 4
Sector8_4
- (b) Shirewide Library Facilities:
45 ET @ \$838 per ET \$37,710
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
45 ET @ \$64 per ET \$2,880
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
45 ET @ \$123 per ET \$5,535
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
45 ET @ \$1389 per ET \$62,505
(\$1,305.60 base rate + \$83.40 indexation)
S94 Plan No. 15

- (f) Extensions to Council Administration Offices
& Technical Support Facilities
45 ET @ \$1860.31 per ET \$83,713.95
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18
- (g) Cycleways:
45 ET @ \$473 per ET \$21,285
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (h) Regional Open Space (Casual)
45 ET @ \$1091 per ET \$49,095
(\$1,031 base rate + \$60 indexation)
S94 Plan No. 26
- (i) Regional Open Space (Structured):
45 ET @ \$3830 per ET \$172,350
(\$3,619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 18

- (a) Tweed Road Contribution Plan:
6.5 Trips @ \$1330 per Trips \$8,645
(\$1,284 base rate + \$46 indexation)
S94 Plan No. 4
Sector8_4
- (b) Shirewide Library Facilities:
1 ET @ \$838 per ET \$838
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
1 ET @ \$64 per ET \$64
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
1 ET @ \$123 per ET \$123
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
1 ET @ \$1389 per ET \$1,389
(\$1,305.60 base rate + \$83.40 indexation)
S94 Plan No. 15

(f)	Extensions to Council Administration Offices & Technical Support Facilities 1 ET @ \$1860.31 per ET (\$1,759.90 base rate + \$100.41 indexation) S94 Plan No. 18	\$1,860.31
(g)	Cycleways: 1 ET @ \$473 per ET (\$447 base rate + \$26 indexation) S94 Plan No. 22	\$473
(h)	Regional Open Space (Casual) 1 ET @ \$1091 per ET (\$1,031 base rate + \$60 indexation) S94 Plan No. 26	\$1,091
(i)	Regional Open Space (Structured): 1 ET @ \$3830 per ET (\$3,619 base rate + \$211 indexation) S94 Plan No. 26	\$3,830

[PSC0175]

93. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of the Subdivision Certificate for each Stage of the subdivision hereby approved. The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

\$Unit the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PSC0185]

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

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

95. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

[PSC0225]

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

[PSC0725]

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

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

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

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

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

[PSC0735]

98. All retaining walls in excess of 1.2m are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

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

A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.

Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

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

[PSC0785]

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

[PSC0825]

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

[PSC0830]

101. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property;
- (b) Identify all allotments to be created as dual occupancies;
- (c) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity;

- (d) Extinguishment of superfluous Right Of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public (relevant to interface areas between adjoining Stages), but are now no longer required;
- (e) A designated visitor parking space is to be created within Lot 1718 due to its narrow street frontage, and is to be implemented in conjunction with construction of a dwelling on the site. An appropriate Restriction on Title is to be created over Lot 1718 accordingly;
- (f) Easements and Restrictions as required for all retaining walls - both new and existing;
- (g) Creation of a Drainage Easement and associated Restriction on Title over Lot 1607, to cater for a relief overland stormwater flowpath.

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

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

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

[PSC0835]

102. Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each new lot in the deposited plan.

[PSC0845]

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

[PSC0855]

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

The following information must accompany an application:

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

- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

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

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Water Reticulation
- (c) Compliance Certificate - Sewerage Reticulation
- (d) Compliance Certificate - Drainage

Note:

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

[PSC0915]

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

[PSC0925]

107. A formal asset handover of all water quality control devices is to be implemented at the completion of the maintenance period ("Off Maintenance"), whereby all relevant stakeholders will inspect the device and be issued with a current operational manual for the device.

[PSC1025]

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

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

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

[PSC1065]

109. Prior to the release of the subdivision certificates for Stage 15 (or the first Stage being released) and Stage 17, the proponent shall:

- (a) Include on the Plan of Subdivision provision for dedication of the drainage reserves at no cost to Council.
- (b) Submit an accurate plan of the proposed drainage reserves to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

[PSC1075]

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

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

[PSC1115]

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

[PSC1165]

112. Electricity

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

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

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

[PSC1185]

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

[PSC1205]

114. Prior to dedication of the proposed drainage reserves (Lot 1748 and Lot 1749), the developer shall undertake maintenance on the overland flow paths to reinstate them to their original design capacity.

[PSCNS01]

115. The Plan of Subdivision accompanying the Subdivision Certificate for Stages 17 and 18 shall include dedication of the relevant public reserves at no cost to Council. Prior to dedication, the public reserves shall be embellished in accordance with the approved detailed landscape plans, at no cost to Council.

The exception to this is playground equipment and softfall. Council will undertake the installation when 20% or more of the relevant stage's allotments are occupied. The developer must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and a bank guarantee or cash contribution equivalent to the value of such items.

[PSCNS02]

116. The developer is to undertake care and maintenance operations on all streetscapes, casual open space and structured open space for a minimum of 12 months after the Subdivision is registered with the Land and Property Management Authority (Land Titles Office). This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.

117. A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of any Subdivision Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

118. Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted for all landscaped casual and active open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.

The plans are to be certified by a registered surveyor or consulting engineer.

Two categories of WAX plans are to be provided:

- a) The original approved plan with any variation to this indicated.
- b) Plan showing only the actual as constructed information,

The plans are to be submitted in the following formats:

- a) 2 paper copies of the same scale and format as the approved plan.
- b) A PDF version on CD or an approved medium.
- c) An electronic copy in DWG or DXF format on CD or an approved medium.

[PSCNS03]

119. A certification report is to be provided to Council prior to the issue of the first of any subdivision certificate from the project arborist confirming that all remedial tree management works on the *Ficus virens var. sublanceolata* (White Fig) have been successfully completed and provide an evaluation of the health of the tree and if necessary, include recommendations for any further arboricultural works to improve the health and long term viability of the tree.
120. All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.
121. The following restrictions apply to dog and cat ownership and control on all residential lots:
 - a. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
 - b. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
 - c. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the *Conveyancing Act, 1919-1964*.

[PSCNS04]

GENERAL TERMS OF APPROVAL UNDER THE WATER ACT 1912

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorized under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation of the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorized officers of the Department, and it's authorized agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
 - 1) Inspecting the said work
 - 2) Taking samples of any water or material in the work and testing the samples
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.

16. The authorised work shall not be used for discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.6, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
19. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
20. The work shall be managed in accordance with the constraints set out in an Acid Sulfate Soil Management Plan and Dewatering Management Plan approved by the Department.
21. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

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

1. The development proposal is to comply with the subdivision layout identified on the drawings prepared by B & P Surveys, numbered M31385 (17850B - Revision E) and M31385 (17683 - Revision C) dated 29 January 2014.
2. At the issue of subdivision certificate and in perpetuity the entire area of each newly created lot 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. Prior to issue of a subdivision certificate, a fire management plan is to be prepared for the drainage reserves (asset protection zones) that addresses the following requirements:
 - a) Contact person/department and details; and
 - b) Schedule and description of works for the construction of asset protection zones and their continued maintenance.
4. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
5. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006', except that a perimeter road is not required.

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
7. General advice - consent authority to note

Any future development application lodged for a 'special fire protection purpose' development within this subdivision will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

P 41

AMENDMENT

**Cr K Milne
Cr M Armstrong**

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

Cr W Polglase temporarily left the meeting at 05:33 PM.

Cr W Polglase has returned from temporary absence at 05:35 PM

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No P41 refers)

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

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

P 42

**Cr K Milne
Cr M Armstrong**

PROPOSED 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 26: Littoral Rainforests
- 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.

P 43

AMENDMENT

**Cr W Polglase
Cr P Youngblutt**

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

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No P43 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall

AGAINST VOTE - Cr K Milne, Cr B Longland

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

P 44

**Cr K Milne
Cr G Bagnall**

PROPOSED that Development Application DA13/0519 for the demolition of existing dwelling and shed, new three-storey dwelling and concrete swimming pool on Lot 176 and new three-storey dwelling and concrete swimming pool on Lot 177 at Lot 176 and 177 DP 755701 Tweed River Islands, Cudgen be deferred for advice from Council's Floodplain Management Committee.

P 45

AMENDMENT

**Cr W Polglase
Cr P Youngblutt**

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

GENERAL

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

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

[GEN0005]

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

[GEN0115]

3. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

4. Bushfire Asset Protection Zones

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

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

[GEN0320]

5. Bushfire Access

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

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

[GEN0330]

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

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

[GENNS01]

7. The Wetland Protection Area ('WPA') and Riparian Buffer Zone - Active Management ('RBZ-AM') described in the Wetland Plan of Management (WPoM) being *Appendix 2 - Wetland Plan of Management in Assessment of Significance (7-part Test) Lots 176 & 177 DP755701 Dodds Island Chinderah dated August 2013 prepared by JWA Ecological Consultants* (as amended by conditions of this consent) shall be managed in accordance with provisions of that plan (WPoM) for the life of the development.

[GENNS02]

8. No native trees may be removed to facilitate development (including fencing) unless separate approval has been received from Council's General Manager or delegate.

[GENNS03]

9. No ancillary services and/or infrastructure associated with the approved development shall be situated within fifty (50) metres of the Tweed River measured landward from the top of high bank unless otherwise approved by Council's General Manager or delegate.

[GENNS04]

10. Any fencing shall either allow the free passage of flood water or be of a light construction such as timber paling that will collapse as a result of any build up of floodwater or debris. Given the site is located in a High Flow region, fencing shall be of an open style with a minimum of 65% of unimpeded openings or approved equivalent.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

12. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

[PCC1135]

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

- installation of stormwater management measures and quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for subdivision works, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

14. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

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

[PCC1215]

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

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the On-site Sewage Management Design Report V2, prepared by HMC Environmental Consulting PL and dated March 2014 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate. Each system shall be at least capable of achieving advanced secondary effluent quality criteria as stipulated in Section 2 of the Report.

[PCC1285]

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

[PCCNS01]

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

- a. Depict on Appendix 2 - Figure 1, a 50 metre setback line measured landward from the top of high bank to the Tweed River;
- b. Identify an additional management/protection zone to be described as 'Riparian Buffer Zone - Active Management' (RBZ-AM). The RBZ-AM shall be measured a minimum ten (10) metres landward from the top of high bank along the length of the Tweed River channel frontage, or to the outermost projection of existing riparian vegetation associated with the river, whichever is greater;
- c. Clearly Depict on Appendix 2 - Figure 1, both the RBZ-AM described above and the Wetland Protection Area (WPA) being SEPP14 Coastal Wetland and 100metre buffer;
- d. The landward limit of the RBZ-AM shall be protected through the installation of a fauna friendly fence. The purpose of the fencing is to exclude livestock from the actively managed riparian zone in order to facilitate re-establishment of native riverine vegetation and subsequently improve river-bank stability;

- e. Consider alternative fauna friendly fencing designs to reduce incidence of native fauna entanglement and amend the report accordingly;
- f. Provide a site based fencing plan detailing fence alignment, specifications and locations of gates and access points where appropriate;
- g. Modify statements in the plan to use non-ambiguous more enforceable terminology (i.e. must, shall); and
- h. Stipulate in the WPoM that the following activities must not be undertaken within the WPA or RBZ-AM unless otherwise approved by Council's General Manager or delegate:
 - i. Clearing, lopping or removal of any native plants;
 - ii. Erection of any fixtures or improvements, including buildings or structures;
 - iii. Construction of any trails or paths;
 - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign within the management area;
 - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the management area; and
 - vi. Performance of any other acts which may have detrimental impact on the values of the management area.
- i. Include a habitat restoration component within the WPoM for both the WPA (Zone 1) and RBZ-AM (Zone 2) to detail and include the following:
 - i. An appraisal of the present condition of the management zones and level of expected resilience;
 - ii. A management strategy for each of the zones, including the methods and techniques to be used for ecological restoration to achieve each objective detailed below;
 - iii. The objective within the WPA (Zone 1) is to treat and remove all declared weeds (under the *Noxious Weeds Act 1993* (Far North Coast Weeds)) using an assisted natural regeneration approach to improve the ecological integrity of the zone;
 - iv. The objective within the RBZ-AM (Zone 2) is to treat and remove all declared and environmental weeds using an assisted natural regeneration approach to facilitate/encourage re-establishment of native vegetation;
 - v. Include appropriate performance criteria (i.e. increased number and abundance of native species, nil fruiting of weed species after primary treatment);
 - vi. Provide a schedule of works (i.e. number of primary rotations) and timing for establishment (prior to issue of occupation certificate) and maintenance phase (ongoing) including monitoring and reporting (i.e. daily record sheets) requirements; and
 - vii. Provide an adaptive management statement detailing how potential problems/issues may be overcome and the necessity for any such changes to be approved by Council's General Manager or delegate.

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

[PCCNS02]

19. Prior to the issue of a construction certificate the applicant shall prepare a landscaping plan that details landscaping measures within the curtilage of each dwelling house site in accordance with the ecological considerations of the site. The landscaping plan shall address exposure of each dwelling house to the Tweed River and shall consider the perspective illustrations as submitted in support of the development application. The landscaping plan shall be to the satisfaction of the General Manager or their delegate and address any requirements of *Planning for Bushfire Protection 2006* in terms of asset protection zones.

[PCCNS03]

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

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

21. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

23. Residential building work:

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

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

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

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

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

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

[PCW0235]

24. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
(b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

25. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

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

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

27. All roof waters are to be disposed of through properly jointed pipes to the satisfaction of the Principal Certifying Authority. All PVC pipes to be installed in accordance with the provisions of AS/NZS3500.3.2. Note A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

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

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0055]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

31. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
 $L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
 $L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence. [DUR0215]
32. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings and members of the public with direct line of sight to the proposed building. [DUR0245]
33. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made). [DUR0375]
34. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0395]
35. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0405]
36. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011. [DUR0415]
37. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

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

[DUR0645]

38. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent. [DUR0905]
39. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
40. All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared by HMC Environmental Consulting dated August 2013 and numbered HMC2013.067ASS. Tweed Shire Council's Environmental Health Unit shall be provided with 24 hours notification of commencement excavation works. [DUR1065]
41. A survey certificate is to be submitted by a Registered Surveyor to the nominated Principal Certifying Authority certifying that all habitable floor areas are constructed above RL 3.7metres AHD, and the PMF Refuge area has been constructed above RL 8.1 metres AHD. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceeding past the relevant floor levels to ensure that each floor is above designated flood levels. [DUR1445]
42. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
43. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
44. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site. [DUR2185]
45. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate. [DUR2425]

46. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
47. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
48. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
49. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR2545]
50. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
- [DUR2555]
51. Council's Environmental Health Unit shall be provided with 24 hrs notice of the commencement of demolition works. Evidence of the appropriate disposal of demolition materials shall be submitted within 3 days of completion of works.
- [DURNS01]
52. Upon completion of the ground floor joists a survey certificate is to be provided to the Principal Certifying Authority verifying the buildings have been constructed to the ground floor levels as nominated on the approved plans.
- [DURNS03]
53. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.
- [DURNS04]

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

[DURNS05]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0205]

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

[POC0355]

57. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

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

[POC1040]

59. The applicant must provide to Council, prior to the issue of an occupation certificate, certification from a qualified professional that all works/measures in the approved Wetland Plan of Management (WPoM):

- a. Have been implemented on-site (i.e. fencing); and
- b. Ecological restoration works are properly established following a minimum establishment period of twelve (12) months. Where ecological restoration works have not been established for a minimum period of twelve (12) months the proponent must seek the approval of Council's General Manager or their delegate, and address any requirements as stipulated, in order to satisfy the condition prior to obtaining an occupation certificate.

[POCNS01]

60. All property boundary fencing shall be inspected by Council prior to issue of an occupation certificate to ensure:

- a. Fencing is to a standard necessary to restrict livestock movement to adjoining riverine areas;
- b. Fencing is accurately aligned along property boundaries consistent with that shown on the certified survey plan for Lot 176 in DP755701 and Lot 177 in DP755701; and

- c. Where deemed appropriate, in order to facilitate native fauna movement and/or reduce risk of native wildlife entanglement/injury, fencing shall be of a fauna friendly design.

[POCNS02]

61. A right of carriageway for access and services shall be created by registration for the provision of lawful access to Lot 177 DP 755701. An appropriate plan of Subdivision and Section 88B Instrument shall be lodged with the Consent Authority prior to the issue of an Occupation Certificate.

The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

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

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

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

[POCNS03]

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

[POCNS04]

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

[POCNS05]

USE

64. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises or recreational users in proximity to the buildings is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or their delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

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

[USE0505]

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

[USE1470]

The Amendment 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

The Amendment on becoming the Motion was **Carried** - (Minute No P45 refers)

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

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

P 46

Cr C Byrne

Cr M Armstrong

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

1. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) - *the provisions of any Draft Environmental Planning Instruments* in that the service station development is prohibited within the RE2 Private Recreation zone.
2. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(ii) - *the provisions of any Draft Environmental Planning Instruments* in that the service station is inconsistent with the objectives of the RE Private Recreation zone.

The Motion was **Carried**

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

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

P 47

Cr K Milne
Cr B Longland

PROPOSED that:

- A. Council not proceed with the Local Environmental Plan amendment for the subject site and advise the applicant of Council's decision.
- B. Development Application DA10/0737 for alterations to existing highway service centre comprising of two new diesel refuelling points expansion of truck refuelling canopy new truck parking area (36 new bays) and the replacement of existing truck parking area with additional car parking spaces and dedicated bus drop-off area (application includes LEP Amendment) at Lot 1 DP 1127741 and Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah be refused for the following reason:
 1. The proposed development is defined as a Service Station and is prohibited on the subject site.

P 48

AMENDMENT

Cr W Polglase
Cr P Youngblutt

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

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No P48 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall

AGAINST VOTE - Cr K Milne, Cr B Longland

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

DECLARATION OF PECUNIARY INTEREST

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

P 49

Cr M Armstrong

Cr C Byrne

RECOMMENDED that:

1. State Environmental Planning Policy No. 1 objection to Clause 24 of the Tweed Local Environmental Plan 2000 regarding the setback to a designated road be supported and the concurrence of the Director General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA14/0089 for the demolition of existing dwelling and construction of two storey dwelling with attached triple garage at Lot 10 DP 28597 No. 438 Terranora Road, Terranora be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No 1309 sheets CD2.1(B), CD2.2(B) CD2.3, CD3.1(B) prepared by Three Chairs Short Architects and dated 10/04/14 except where varied by the conditions of this consent.
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]

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

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0285]

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

[PCC0945]

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

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

[PCC1285]

8. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

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

[PCC1325]

PRIOR TO COMMENCEMENT OF WORK

9. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

10. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

11. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,

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

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

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

[PCW0235]

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

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

13. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

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

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

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

[PCW1005]

DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0245]

19. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

20. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

21. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

22. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

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

[DUR0445]

24. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

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

[DUR0645]

25. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

26. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

27. Swimming Pools (Building)

(a) Access to the existing swimming pool shall be restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008 prior to the issue of an occupation certificate.

(b) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

(c) Once the pool is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

28. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site. [DUR2185]
29. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building. [DUR2485]
30. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500. [DUR2495]
31. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
32. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]
34. Prior to the issue of an occupation certificate,

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

[POC0235]

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

[POC0355]

36. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

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

[POC1035]

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

[POC1040]

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

[POCNS01]

USE

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

[USENS01]

Mr Troy Green temporarily left the meeting at 06:25 PM.

Cr P Youngblutt temporarily left the meeting at 06:25 PM.

Cr P Youngblutt has returned from temporary absence at 06:29 PM

P 50

AMENDMENT

Cr K Milne

Cr B Longland

PROPOSED that Development Application DA14/0089 for the demolition of existing dwelling and construction of two storey dwelling with attached triple garage at Lot 10 DP 28597 No. 438 Terranora Road, Terranora be deferred for a workshop with Council.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr G Bagnall, Cr C Byrne, Cr W Polglase, Cr M Armstrong

The Motion was **Carried** (Minute No. P49 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall

AGAINST VOTE - Cr K Milne, Cr B Longland

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.33 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.13pm

Mr T Green has returned from temporary absence at 07:13 PM

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

P 51

**Cr B Longland
Cr M Armstrong**

PROPOSED that Development Application DA13/0594 for a detached dual occupancy at Lot 24 Section 5 DP 4043 No. 40 Enid Street, Tweed Heads be refused for the following reasons:

1. 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 vision and objectives contained within:

The Tweed City Centre LEP 2012:

- Clause 1.2: Aims of this plan - – proposed density of the site is not consistent with the desired future character of the area
 - Clause 2.3: Land Use Table - the proposal does not meet the requirements for medium density residential development within the context of the locality.
 - Clause 4.3: Height of Buildings - the proposal does not maximise density on the site commensurate with the objectives of the clause.
 - Clause 4.4: Floor Space Ratio - the proposal does not incorporate increased building height and site amalgamation at a key location in the area of Tweed City Centre.
2. 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.

The proposal represents a significant variation to building height and floor space ratio for the locality as prescribed within the Tweed City Centre Local Environmental Plan 2012.

The proposal is inconsistent with the future desired character of the City Centre Support Precinct as defined within Development Control Plan B2 – Tweed Heads.

3. 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 in the broader general public interest to enforce the standards contained within the Development Control Plan 2008 and Tweed City Centre LEP 2012 specifically as it relates to residential development controls and density objectives of the R3 Medium Density Residential zone.

P 52

AMENDMENT 1

Cr C Byrne
Cr P Youngblutt

PROPOSED that Development Application DA13/0594 for a detached dual occupancy at Lot 24 Section 5 DP 4043 No. 40 Enid Street, Tweed Heads be approved in principle and the Director Planning and Regulation bring back conditions of approval for consideration by Council.

Amendment 1 was **Lost**

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

P 53

AMENDMENT 2

Cr K Milne
Cr C Byrne

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

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

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No P53 refers)

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

A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS B LONGLAND, M ARMSTRONG AND G BAGNALL.

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

P 54

Cr C Byrne
Cr P Youngblutt

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

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

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

A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS B LONGLAND, M ARMSTRONG AND G BAGNALL.

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

DECLARATION OF INTEREST

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

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

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

P 55

Cr M Armstrong
Cr P Youngblutt

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

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

DECLARATION OF INTEREST

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

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

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

P 56

Cr M Armstrong

Cr P Youngblutt

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

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

P 57

Cr M Armstrong

Cr P Youngblutt

RECOMMENDED that:

1. Planning Proposal PP10/0002 be referred to NSW Planning and Infrastructure for a Gateway Determination in accordance with s56 of the *Environmental Planning and Assessment Act, 1979*, following the completion of all remaining studies;
2. The Minister for Planning and Infrastructure be advised that delegation of the Plan making functions will be sought in this instance;
3. The Planning Proposal be publicly exhibited, where required, in accordance with the requirements of the Gateway Determination; and
4. Enforcement action arising from the unlawful use of the site be held in abeyance subject to:
 - A Building Safety Audit be undertaken and completed within 14 days of Council's Resolution on this Item. The scope of the audit to be discussed with Council Officers prior to commencement and a copy to be provided to Council when

completed. Complete required works identified as part of the Building Safety Audit within three months of Council's resolution;

- The resolution of Council to refer the Planning Proposal to NSW Planning and Infrastructure for a Gateway Determination;
 - Completion of the Planning Proposal in accordance with the timeframe included within this report; and
 - Lodgement of a Development Application upon gazettal of the draft Local Environmental Plan (Planning Proposal) for a change of use to regularise the residential use of the premises.
5. In the event that satisfactory progress on the above actions in Part 4 are not achieved and that any further enforcement action by Council is required, Council shall take into account the well being and capacity to relocate the existing residents, prior to taking any definitive action.

The Motion was **Carried**

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

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

P 58

Cr P Youngblutt
Cr W Polglase

RECOMMENDED that Council:

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

4. Prepares an amendment to the Tweed Development Control Plan, Section A17 to expand land affected by Section A17 to include the IN1 General Industrial zone;
5. When prepared, the amendment is to be publically exhibited for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979; and
6. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.

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

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

P 59

Cr P Youngblutt
Cr W Polglase

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

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

CONFIDENTIAL COMMITTEE

P 60

**Cr B Longland
Cr M Armstrong**

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

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

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

P 61

RECOMMENDED that the recommendations of the Confidential Planning Committee be adopted.

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

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

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

There being no further business the Meeting terminated at 8.14 pm

↑ Ó