



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

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

Minutes

Planning Committee Meeting Thursday 2 October 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 5.00pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mrs Suzanne Richmond (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Ray Musgrave (Acting Director Planning and Regulation), Ms Robyn Grigg (Acting Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Peter Brack (Corporate Compliance Officer) and Ms Janet Twohill (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 General Manager.

APOLOGIES

Cr M Armstrong has informed the General Manager of his absence.

P 158

Cr P Youngblutt

Cr K Milne

RESOLVED that the apology of Cr M Armstrong be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

1 [SOR-PC] Schedule of Outstanding Resolutions - Planning Committee

That the Schedule of Outstanding Resolutions was received and noted.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

2 [PR-PC] Development Application DA13/0385 for a Two Lot Subdivision and Single Dwelling with Attached Secondary Dwelling at Lot 63 DP 804148 No. 3-6 Trutes Terrace, Terranora

P 159

**Cr K Milne
Cr B Longland**

RECOMMENDED that Development Application DA13/0385 for a two lot subdivision and single dwelling with attached secondary dwelling at Lot 63 DP 804148 No. 3-6 Trutes Terrace, 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:

- Proposed Lot Layout dated 02/14 prepared by Planit Consulting and dated 02/14, except where varied by the conditions of this consent.

and Plan Nos:

- 101 - Perspectives 1 - Issue D
- 102 - Site Plan - Issue D
- 103 - Survey - Issue D
- 201 - Ground Floor Plan - Issue D
- 202 - Ground Floor Dimension Plan - Issue D
- 203 - Ground Floor Slab Plan- Issue D
- 204 - First Floor Plan - Issue D
- 205 - First Floor Dimension Plan - Issue D
- 206 - First Floor Slab Plan - Issue D
- 207 - Roof Plan - Issue D
- 301 - Northern and Eastern Elevations - Issue D
- 302 - Southern and Western Elevations - Issue D
- 303 - Section AA & BB - Issue D
- 304 - Section CC & DD - Issue D
- 305 - Section EE & FF - Issue D
- 401 - Window Schedule - Issue D
- 402 - Door Schedule - Issue D

- 403 - Details 1 - Issue D
- 404 - Details - Issue D

prepared by Raywells Building Designers and dated 29/4/2014, 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 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 owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]
6. Evidence of registration of the plan of subdivision will be required prior to the issuing of a construction certificate for the dwelling on proposed Lot 2.
[GENNS01]
7. The septic disposal area for the existing dwelling shall be located wholly on the proposed new lot.
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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]

9. The Construction Certificate Application 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).

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]

10. **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 Subdivision Certificate is issued.

[PCC0275]

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

[PCC0285]

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

[PCC0465]

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

All earthworks 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.

If Council is nominated as the PCA for the subdivision construction certificate, then earthworks details are to be included on those plans and a separate S68 stormwater application will not be required.

[PCC0485]

14. 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]

15. 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.

OTHER: Right of Way/Driveways

- (a) Construction of the right of carriageway serving lots 1 and 2 to a 4m wide concrete 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 driveway is required to:

- Have a one-way crossfall in lieu of an inverted crown.
- Be located centrally within the reciprocal Rights-of-Way.
- Provide an evenly splayed footpath crossing.
- Include stormwater management and dispersal details.
- Include provision of service conduits.

- (b) The subdivision will require construction of all driveway works within the Rights-of-Way as well as the individual driveway to the existing dwelling.

- (c) Construction of the internal driveway beyond the reciprocal Rights-of-Way to the proposed dwelling on Lot 2 may be undertaken as part of the subdivision works or deferred to be part of the dwelling construction certificate.

[PCC0875]

16. 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]

17. 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]

18. 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
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, electricity supply and telecommunication infrastructure)

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

[PCC0985]

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

- (a) The Construction Certificate Application for subdivision works 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]

20. 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]

21. 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]

22. 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]

23. 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 onsite sewage treatment and disposal system shall comply with the recommended onsite sewage treatment and disposal method as detailed in the Amended On-Site Sewage Management Design Report for 3-6 Trutes Terrace, Terranora prepared by HMC Environmental Consulting Pty Ltd dated April 2013 As Amended February 2014 (Report: HMC 2013.027) including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[PCC1285]

24. The proposed dwelling on proposed Lot 2 shall be located in accordance with the Preliminary Site Contamination Investigation for 3-6 Trutes Terrace, Terranora prepared by HMC Environmental Consulting Pty Ltd dated April 2013 (Report: HMC2013.027 CL). Proposed changes to this location will require an additional contaminated land investigation of the subject site to the satisfaction of Council's General Manager or delegate.

[PCCNS01]

25. The 'Proposed Lot Layout' plan by Planit version 05 does not allocate the northern half of the reciprocal Right-of-Way strip to any property, and for the purposes of subdivision, this strip is to be part of proposed Lot 2.

26. The proposed retaining wall shown to be constructed on the southern boundary of proposed Lot 2 (as part of future dwelling construction) is to be relocated to be a minimum of 900mm from the boundary.

27. The width of the proposed easement to cater for a future road is to be determined after detailed engineering plans for the future road are prepared. These plans must cater for a 14.5m wide road (7.5m carriageway plus 2 x 3.5m wide footpaths) PLUS all associated road batters (5:1 batters are preferred, but 4:1 batters will be accepted).

28. As the proposal conflicts with the preferred road layout as depicted on TSC DCP B24 Figure 2.8 'Diagrammatic Road network', the retention of a future north-south road within the site and connectivity to the DCP preferred road layout at the boundaries of the site, are to be demonstrated. This will require preparation of a complete alternate road layout for the site.

This is to ensure that no adjoining properties that are developed in accordance with the DCP are hindered or disadvantaged by this proposal.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

29. 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]

30. **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]

31. 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]

32. 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]

33. 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]

34. 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]

35. 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]

36. 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]

37. 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]

- 38. 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]

- 39. 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]

40. 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]

41. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

42. 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]

43. 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]

44. 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]

45. 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]

46. 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]

47. 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]

48. 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]

49. 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]

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

[DUR0445]

51. During filling operations,

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

and upon completion,

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

[DUR0755]

52. 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]

53. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
54. Any cut or fill on the property is to be battered at a ratio not greater than 1:2 (v:h) 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]
55. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.
Please note timber retaining walls are not permitted. [DUR0845]
56. 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]
57. 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]
58. 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]
59. 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]
60. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. [DUR1015]
61. 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]
62. 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]

63. 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 / Access works

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Driveways - formwork/reinforcement
- (e) Final Practical Inspection - on maintenance
- (f) Off Maintenance inspection

Water 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]

64. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

65. 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]
66. 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]
67. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site. [DUR2185]
68. 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]
69. 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]
70. 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]
71. 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]
72. 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]
73. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
74. 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]
75. 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]
76. 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]
77. 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]
78. Air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the **NSW Protection of the Environment Operations (Noise Control) Regulation 2008**. [DUR2835]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

79. 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]

80. 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]

81. 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]

82. 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]

83. 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]

84. Prior to the issue of the Subdivision Certificate, approval to operate any existing on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

85. 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]

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP3:	1 ET @ \$12907 per ET	\$12,907
-------------	-----------------------	----------

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

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

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

[POC0675/PSC0165]

87. Section 94 Contributions

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

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

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

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

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

- (a) Tweed Road Contribution Plan:
6.5 Trips @ \$2969 per Trips \$12,737.34*
(\$1,988 base rate + \$981 indexation)
S94 Plan No. 4
Sector5_4
- (b) Open Space (Casual):
1 ET @ \$549 per ET \$362.34*
(\$502 base rate + \$47 indexation)
S94 Plan No. 5
- (c) Open Space (Structured):
1 ET @ \$629 per ET \$415.14*
(\$575 base rate + \$54 indexation)
S94 Plan No. 5
- (d) Shirewide Library Facilities:
1 ET @ \$847 per ET \$559.02*
(\$792 base rate + \$55 indexation)
S94 Plan No. 11
- (e) Bus Shelters:
1 ET @ \$64 per ET \$42.24*
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (f) Eviron Cemetery:
1 ET @ \$124 per ET \$81.84*
(\$101 base rate + \$23 indexation)
S94 Plan No. 13
- (g) Community Facilities (Tweed Coast - North)
1 ET @ \$1404 per ET \$926.64*
(\$1,305.60 base rate + \$98.40 indexation)
S94 Plan No. 15
- (h) Extensions to Council Administration Offices
& Technical Support Facilities
1 ET @ \$1880.38 per ET \$1,241.05*
(\$1,759.90 base rate + \$120.48 indexation)
S94 Plan No. 18
- (i) Cycleways:
1 ET @ \$478 per ET \$315.48*
(\$447 base rate + \$31 indexation)
S94 Plan No. 22
- (j) Regional Open Space (Casual)
1 ET @ \$1103 per ET \$727.98*
(\$1,031 base rate + \$72 indexation)
S94 Plan No. 26

- (k) Regional Open Space (Structured):
 1 ET @ \$3872 per ET \$2,590.93*
 (\$3,619 base rate + \$253 indexation)
 S94 Plan No. 26

* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

[POC0395/PSC0175]

88. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

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

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

where:

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

and:

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

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

\\$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]

89. 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]

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

The submission shall include copies of all undertaken test results.

[PSC0395]

91. 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]

92. 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]

93. 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 relevant dwelling and/or 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) 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.
- (b) 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.
- (c) Easements and Restrictions as required by TSC Development Design Specification D6.

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

[PSC0785]

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

[PSC0825]

95. 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]

96. 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) 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.
- (c) Creation of reciprocal Rights-of-Way over the shared access driveway.
- (d) Easement for Stormwater Drainage over Lot 2 benefiting Lot 1
- (e) Easements for future road construction. The overall Easement width must cater for associated road batters and drainage works.
- (f) Positive Covenant requiring connection to a reticulated sewer infrastructure system once it becomes available. Associated Sec.64 contributions would also be payable at that time.

- (g) Positive Covenant requiring compliance with the requirements of the Voluntary Planning Agreement (VPA), including payment of all applicable contributions, once the site is physically connected to the DCP release area.
- (h) The proposed dwelling site on proposed Lot 2 shall be located in accordance with the Preliminary Site Contamination Investigation for 3-6 Trutes Terrace, Terranora prepared by HMC Environmental Consulting Pty Ltd dated April 2013 (Report: HMC2013.027 CL) or to the satisfaction of Council's General Manager or delegate. A contaminated lands investigation will be required for any changes to the proposed dwelling location.

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.

[PSC0835]

- 97. 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]

- 98. 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]

- 99. 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]

100. In conjunction with the application for a **Subdivision Certificate**, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

- (a) Roads/Driveways
- (b) Water Reticulation
- (c) Drainage
- (d) Bulk Earthworks
- (e) Retaining Walls

Note:

1. All compliance certificate applications for Subdivision Works 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]

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

[PSC0925]

102. 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 installed, 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]

103. Prior to issuing a Subdivision Certificate, reticulated water supply 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]

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

[PSC1165]

105. 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

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]

106. 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]

107. The Proponent shall enter into a Voluntary Planning Agreement (VPA) with Council, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council on 2 October 2014 by the Proponent at **Appendix A** to this approval, prior to the issue of the first construction certificate. All monetary contributions required under the Voluntary Planning Agreement shall be paid to Council prior to the issue of any Subdivision Certificate for the development, or as otherwise specified in the VPA.

NOTE: The contributions applicable under the Voluntary Planning Agreement are in addition to those Section 64 and Section 94 contributions statutorily applicable as listed separately in this approval.

[PSCNS01]

USE

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

[USE1510]

The Motion was **Carried**

FOR VOTE - Cr W Polglase, Cr C Byrne, Cr K Milne, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr M Armstrong

3 [PR-PC] Development Application DA13/0602 for a Two Lot Subdivision at Lot 6 DP 619881 No. 332 Clothiers Creek Road, Nunderi

P 160

**Cr B Longland
Cr W Polglase**

RECOMMENDED that:

- A. Development Application DA13/0602 for a two lot subdivision at Lot 6 DP 619881 No. 332 Clothiers Creek Road, Nunderi be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:

- Plan of Proposed Subdivision prepared by Robert. A. Harries and dated 25 August 2014; and
- Area Subject to Ecological Restoration Program Plan, prepared by Robert. A. Harries, as amended in red and dated 4 September 2014,

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

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

[GEN0135]

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

[GEN0290]

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

[GEN0330]

6. 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 to provide a bitumen sealed access off Clothiers Creek Road (minimum 3.0m wide) plus associated drainage to the property boundary in accordance with Section A2 - "*Site Access and Parking Code*" of Council's consolidated Tweed Development Control Plan and Council's "*Driveway Access to Property - Part 1*" Design Specification June 2004.

[GENNS01]

7. 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 the following works (as applicable, but not limited to);
 - a. water,
 - Relocation of the existing water main (if applicable) to locate it within proposed Lot 1.
 - Installation of a new domestic water main within (to service) proposed Lot 2.
 - b. sewerage,
 - c. drainage works, including;
 - any connection of a private stormwater drain to a public stormwater drain,
 - any installation of stormwater quality control devices,
 - any erosion and sediment control works.
8. Stormwater Management of the subdivision must be in accordance with Council's *Development Design Specification D7 - Stormwater Quality and* should incorporate water sensitive design principles where possible.

[GENNS03]
9. Erosion and Sediment Control shall be designed, installed and maintained 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*".

[GENNS04]
10. Each lot shall be connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements (as applicable).
11. The areas identified in red on Area Subject to Ecological Restoration Program Plan, prepared by Robert. A. Harries, as amended in red and dated 4 September 2014, must be subject to an ecological restoration program and managed for conservation purposes in perpetuity. For the purposes of this consent the areas identified on this plan shall be described as the 'conservation area'.
12. All native trees shown on the Plan of Proposed Subdivision prepared by Robert. A. Harries and dated 25 August 2014 shall be retained and protected.

13. All ecological restoration works are to be carried out in accordance with a Council approved Habitat Restoration Plan.

[GENNS05]

PRIOR TO COMMENCEMENT OF WORK

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

[PCW1170]

DURING CONSTRUCTION

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. 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 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 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]
19. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
20. 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]
21. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
- [DUR0995]
22. 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]
23. 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]
24. Any damage caused to public infrastructure (roads and services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate.
- [DUR1875]

25. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

26. Regular inspections shall be carried out 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 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.

[DUR2375]

27. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

28. 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]

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP6:	1 ET @ \$12907 per ET	\$12,907
-------------	-----------------------	----------

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

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

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

[PSC0165]

30. Section 94 Contributions

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

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

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

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

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

- | | |
|--|----------|
| (a) Tweed Road Contribution Plan:
6.5 Trips @ \$1892 per Trips
(\$1,807 base rate + \$85 indexation)
S94 Plan No. 4
Sector10_4 | \$12,298 |
| (b) Open Space (Casual):
1 ET @ \$549 per ET
(\$502 base rate + \$47 indexation)
S94 Plan No. 5 | \$549 |
| (c) Open Space (Structured):
1 ET @ \$629 per ET
(\$575 base rate + \$54 indexation)
S94 Plan No. 5 | \$629 |
| (d) Shirewide Library Facilities:
1 ET @ \$847 per ET
(\$792 base rate + \$55 indexation)
S94 Plan No. 11 | \$847 |
| (e) Bus Shelters:
1 ET @ \$64 per ET
(\$60 base rate + \$4 indexation)
S94 Plan No. 12 | \$64 |

(f)	Eviron Cemetery: 1 ET @ \$124 per ET (\$101 base rate + \$23 indexation) S94 Plan No. 13	\$124
(g)	Community Facilities (Tweed Coast - North) 1 ET @ \$1404 per ET (\$1,305.60 base rate + \$98.40 indexation) S94 Plan No. 15	\$1,404
(h)	Extensions to Council Administration Offices & Technical Support Facilities 1 ET @ \$1880.38 per ET (\$1,759.90 base rate + \$120.48 indexation) S94 Plan No. 18	\$1,880.38
(i)	Cycleways: 1 ET @ \$478 per ET (\$447 base rate + \$31 indexation) S94 Plan No. 22	\$478
(j)	Regional Open Space (Casual) 1 ET @ \$1103 per ET (\$1,031 base rate + \$72 indexation) S94 Plan No. 26	\$1,103
(k)	Regional Open Space (Structured): 1 ET @ \$3872 per ET (\$3,619 base rate + \$253 indexation) S94 Plan No. 26	\$3,872

[PSC0175]

31. 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]

32. Prior to the issue of a Subdivision Certificate, Summary Work as Executed (WAX) 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, services and structures are wholly contained within the relevant easement created by the subdivision (as applicable);
- (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]

33. 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]

34. 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]

35. The creation of easements for services, Rights Of Way 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 services and drainage over ALL public services/infrastructure on private property.
- (b) Right of Way over the applicable portion of proposed Lot 1 to provide access rights for proposed Lot 2.
- (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.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Way or Easement shall make provision for maintenance of the Right Of Way or Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis (as applicable).

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

[PSC0835]

36. 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.

Furthermore, prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed in accordance with Council's procedure on street numbering.

[PSC0845]

37. 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]

38. Prior to issuing a Subdivision Certificate, reticulated water supply (including household connections) 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]

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

[PSC1165]

40. The production of written evidence from the local electricity supply authority certifying that the reticulation of electricity and energising has been provided to each allotment.

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

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

[PSC1175]

41. Prior to the issue of a Subdivision Certificate, Council shall undertake a final inspection of the works and be satisfied that all conditions of consent have been complied with.
42. Prior to the issue of a Subdivision Certificate, the applicant must submit for approval to the PCA a detailed report from a suitably qualified Geotechnical Engineer certifying that the earthworks and regrading works undertaken on the subject site prior to the issue of this consent will not jeopardise the geotechnical stability of any neighbouring property. In the event that a retaining wall is required to achieve this it is to be designed and constructed in accordance with AS4678-2002 Earth Retaining Structures.

[PSCNS01]

43. Prior to the issue of subdivision 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 Design Report - Proposed Subdivision (reference HMC2013.091B) prepared by HMC Environmental Consulting Pty. Ltd and dated September 2013 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[PSCNS02]

44. Prior to the issue of the subdivision certificate the existing septic tank and disposal trench shall be decommissioned in accordance with NSW Health guidelines (refer to Advisory Note 3 dated May 2006).

[PSCNS04]

45. A Habitat Restoration Plan is required to be prepared by a person qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation communities for all areas described as 'conservation area' on the Area Subject to Ecological Restoration Program Plan, prepared by Robert. A. Harries, as amended in red and dated 4 September 2014. The restoration plan shall be submitted to Council and approved by the General Manager or delegate prior to issuing the subdivision certificate and shall include:
 - a. an appraisal of the present condition of remnant vegetation;
 - b. a plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting (if appropriate), including connections between existing vegetation where appropriate;
 - c. a management strategy for each of the zones, including the approach, methods and techniques to be used for vegetation restoration;
 - d. a schedule of local native plant species to be used for planting (if appropriate);
 - e. a program of works to be undertaken to remove invasive weed species;
 - f. a schedule of timing of proposed works;
 - g. a maintenance, monitoring and reporting schedule with developer commitment for a period not less than five (5) years; and

- h. an adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the General Manager or delegate for such changes.
46. The following restrictions as to user under Section 88B of the *Conveyancing Act* are to be created to Council's satisfaction prior to release of the subdivision certificate:
- a. Restriction as to user regarding the 'conservation area' as shown on the Area Subject to Ecological Restoration Program Plan, prepared by Robert. A. Harries, as amended in red and dated 4 September. This area must be subject to an approved ecological restoration program and managed as a natural area in perpetuity. The following activities are not permitted within this area
 - i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent. The clearing, lopping or removal of any native plants within the conservation for the purpose of maintenance of the existing power line infrastructure to be restricted to the minimum extent possible.
 - ii. Erection of any fixtures or improvements, including buildings or structures unless approved prior to the issue of this consent;
 - iii. Construction of any trails or paths unless otherwise existing prior to the issue of this consent;
 - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
 - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the conservation area;
 - vi. Performance of any other acts which may have detrimental impact on the values of the conservation area.

Burden: Part Lot 1 and Part Lot 2. Benefit: Tweed Shire Council

- b. Restriction as to user regarding the retention of all native vegetation identified on the Area Subject to Ecological Restoration Program Plan, prepared by Robert. A. Harries, as amended in red and dated 4 September - All native vegetation shown on the approved plan shall be retained and protected.

Burden: Part Lot 1 and Part Lot 2 Benefit: Tweed Shire Council.

[PSCNS05]

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

- 1. The proposed development is to comply with the Subdivision and Site Plan, prepared by Robert. A. Harris, titled 'Plan of Proposed Subdivision Lot 6 DP

619881 332 Clothiers Creek Road, Nunderi', reference 332 Clothiers and dated 11/10/13, except where modified by conditions of this Bush Fire Safety Authority.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the property around the existing dwelling on proposed lot 1 shall be managed as follows:
 - North for a distance of 20 metres as an Inner Protection Area.
 - East for a distance of 20 metres as an Inner Protection Area.
 - South for a distance of 15 metres as an Inner Protection Area.
 - West to the boundary as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) 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:

3. Electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'
4. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes on proposed lot 1. The fire fighting water supply shall be installed and maintained in the following manner:
 - a) Fire fighting water supply may be provided by a tank, a swimming pool or a dam that shall be located no more than 20 metres from the approved structure.
 - b) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.

Note: Where a pool is to be used as the non-reticulated water supply, suitable access for a Category 1 Tanker (Medium Rigid Vehicle) must be available at all times.

- c) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible

(polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.

- d) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
- e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.
- f) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- g) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- h) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- i) An 'SWS' marker shall be obtained and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
 - 1. Markers must be fixed in a suitable location so as to be highly visible; and
 - 2. Markers should be positioned adjacent to the most appropriate access for the static water supply.

Note: Below ground dedicated fire fighting water supply tank(s) is defined as that no part of the tanks(s) is to be located above natural ground level.

- B. A Penalty Infringement Notice be issued to the owner of Lot 6 DP 619881 No. 332 Clothiers Creek Road, Nunderi for development without consent.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

4 [PR-PC] Development Application DA14/0050 for a Detached Dual Occupancy at Lot 7 DP 22375 No. 204 Kennedy Drive, Tweed Heads West

P 161

**Cr K Milne
Cr G Bagnall**

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of North Coast Regional Environmental Plan regarding the overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA14/0050 for a detached dual occupancy at Lot 7 DP 22375; No. 204 Kennedy Drive, Tweed Heads West be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - Site Plan and Notes (Drawing No. 268 sheet 2 of 17) prepared by Jemade Design and Construction Pty Ltd and dated 4 September 2013;
 - Floor Plan (Drawing No. 268 sheet 5 of 17) prepared by Jemade Design and Construction Pty Ltd and dated 4 September 2013;
 - Roof Plan (Drawing No. 268 sheet 6 of 17) prepared by Jemade Design and Construction Pty Ltd and dated 4 September 2013;
 - Elevations (Drawing No. 268 sheet 7 of 17) prepared by Jemade Design and Construction Pty Ltd and dated 4 September 2013;
 - Sections (Drawing No. 268 sheet 8 of 17) prepared by Jemade Design and Construction Pty Ltd and dated 4 September 2013; and;
 - Sections (Drawing No. 268 sheet 9 of 17) prepared by Jemade Design and Construction Pty Ltd and dated 4 September 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. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.

[GEN0290]

4. 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]

5. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the written satisfaction of the General Manager or his delegate.
6. The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of an occupation certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35).
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The developer shall provide car parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

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

[PCC0065]

8. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.
[PCC0285]

9. 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]

- 9.1 A detailed plan of riparian landscaping to a minimum 2.0m wide area along the south site boundary is to be submitted to Council for approval by Council's General Manager or delegate prior to the issue of a Construction Certificate. Such a plan could include the following recommended planting list for this area:

- Lomandra longifolia
- Dianella caerulea
- Crinum pedunculatum
- Austromyrtus dulcis
- Hibiscus tiliaceus
- Cupaniopsis anacardioides
- Melaleuca quinquenervia
- Casuarina glauca

10. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) Design flood level of RL 2.6m AHD.
 - (b) The minimum habitable floor level for the building is RL 3.1m AHD.
 - (c) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (d) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
 - (e) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

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

[PCC0945]

12. 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. Prior to the issue of a Construction Certificate the applicant is to submit for the written approval of Council's General Manager or delegate a revised site layout plan which clearly demonstrates the extent of the proposed internal driveway on site.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

15. 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]

16. Prior to the commencement of works, the applicant is to indicate their compliance with the provisions of the Noise Level Impact Assessment - Aircraft Noise for No 204 Kennedy Drive Tweed Heads prepared by Craig Hill Acoustics Reference 204 Kennedy 300414/1 and dated 30 April 2014 by providing to the Principal Certifying Authority appropriate details on the building components and systems intended to be used in the construction of the dwelling with the corresponding STC/RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding STC/RW ratings.

[PCW0135]

17. 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]

18. 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]

19. 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]

20. 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]

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. 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]

23. 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]

24. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

27. The development shall be carried out in accordance with the provisions of the Noise Level Impact Assessment - Aircraft Noise for No 204 Kennedy Drive Tweed Heads prepared by Craig Hill Acoustics reference 204 Kennedy 300414/1 and dated 30 April 2014.

[DUR0275]

28. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Noise Level Impact Assessment - Aircraft Noise for No 204 Kennedy Drive Tweed Heads prepared by Craig Hill Acoustics reference 204 Kennedy 300414/1 and dated 30 April 2014, then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the dwelling.

[DUR0295]

29. 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]

30. 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]

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

[DUR0405]

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

[DUR0415]

33. 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]

34. 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]

35. 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]

36. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

37. 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]

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

[DUR2185]

39. 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]

40. 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]

41. An isolation cock is to be provided to the water services for the dwelling in a readily accessible and identifiable position.

[DUR2505]

42. 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]

43. 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]

44. 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

45. 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]

46. 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]

47. 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]

48. 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:
1.3 Trips @ \$853 per Trips
(\$815 base rate + \$38 indexation)
S94 Plan No. 4
Sector1_4 | \$1,109 |
| (b) Open Space (Casual):
0.75 ET @ \$549 per ET
(\$502 base rate + \$47 indexation)
S94 Plan No. 5 | \$412 |
| (c) Open Space (Structured):
0.75 ET @ \$629 per ET
(\$575 base rate + \$54 indexation)
S94 Plan No. 5 | \$472 |
| (d) Shirewide Library Facilities:
0.75 ET @ \$847 per ET
(\$792 base rate + \$55 indexation)
S94 Plan No. 11 | \$635 |
| (e) Bus Shelters:
0.75 ET @ \$64 per ET
(\$60 base rate + \$4 indexation)
S94 Plan No. 12 | \$48 |
| (f) Eviron Cemetery:
0.75 ET @ \$124 per ET
(\$101 base rate + \$23 indexation)
S94 Plan No. 13 | \$93 |

(g) Community Facilities (Tweed Coast - North) 0.75 ET @ \$1404 per ET (\$1,305.60 base rate + \$98.40 indexation) S94 Plan No. 15	\$1,053
(h) Extensions to Council Administration Offices & Technical Support Facilities 0.75 ET @ \$1880.38 per ET (\$1,759.90 base rate + \$120.48 indexation) S94 Plan No. 18	\$1,410.29
(i) Cycleways: 0.75 ET @ \$478 per ET (\$447 base rate + \$31 indexation) S94 Plan No. 22	\$359
(j) Regional Open Space (Casual) 0.75 ET @ \$1103 per ET (\$1,031 base rate + \$72 indexation) S94 Plan No. 26	\$827
(k) Regional Open Space (Structured): 0.75 ET @ \$3872 per ET (\$3,619 base rate + \$253 indexation) S94 Plan No. 26	\$2,904

[POC0395]

49. 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]

50. 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 DSP4:	1 ET @ \$12907 per ET	\$12,907
Sewer Tweed Heads:	1 ET @ \$6201 per ET	\$6,201

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

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

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

[POC0675]

51. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

USE

52. 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]

53. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{Aeq}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, 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 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

54. All externally mounted air conditioning units, rainwater tank pumps or 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 such plant 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 plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

55. 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]

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

[USE0435]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr K Milne, Cr G Bagnall
AGAINST VOTE - Cr B Longland
ABSENT. DID NOT VOTE - Cr M Armstrong

5 [PR-PC] Class 1 Appeal Outcome - 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

P 162

Cr P Youngblutt
Cr K Milne

RECOMMENDED that Council notes that the appeal was upheld and development consent is granted to DA13/0678 for the erection of an out building with shower and toilet at Lot 2 SP 38780 No 2/1 Beatrice Court, Pottsville subject to the conditions in the Court Order.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

6 [PR-PC] Further Report Regarding the Recommended Discontinuance of Planning Proposal PP10/0005 'Hundred Hills' Murwillumbah for Stockland Development (Sub 3) Pty Ltd

P 163

Cr P Youngblutt
Cr G Bagnall

RECOMMENDED that further consideration of the recommendation to discontinue Planning Proposal PP10/0005 Hundred Hills Murwillumbah be deferred to the February 2015 Planning Committee Meeting, to enable adequate time for the Applicant to demonstrate their renewed commitment to completing the Local Environmental Plan amendment sought.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland, Cr G Bagnall
AGAINST VOTE - Cr K Milne
ABSENT. DID NOT VOTE - Cr M Armstrong

7 [PR-PC] PP13/0004 Wooyung Properties - Request to Prepare a Planning Proposal - Lot 1 DP 779817 and Lot 2 DP 408972 Wooyung Road, Wooyung

P 164

**Cr B Longland
Cr C Byrne**

RECOMMENDED that:

1. The request to prepare a planning proposal PP13/0004 Wooyung Properties - Lot 1 DP 779817 and Lot 2 DP 408972 Wooyung Road, Wooyung, not proceed;
2. The proponent be encouraged to pursue a concept more in keeping with the constraints affecting the site.

The Motion was **Carried**

FOR VOTE - Cr C Byrne, Cr K Milne, Cr B Longland, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

ABSENT. DID NOT VOTE - Cr M Armstrong

8 [PR-PC] Draft Design Excellence Guideline

P 165

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council endorses the Tweed Shire Council Design Excellence Guideline - version 1.2, as amended and provided as an attachment to this report.

AMENDMENT

P 166

**Cr K Milne
Cr G Bagnall**

RECOMMENDED that Council endorses the Tweed Shire Council Design Excellence Guideline - version 1.2, as amended and provided as an attachment to this report **with the following changes to section 2.4 Community Consultation.**

Where it states:

"At the close of the submission period, the submitted schemes are to be placed on exhibition and community feedback invited. To ensure the jury can meet promptly at the conclusion of the submission period and have the opportunity to view any community feedback obtained, the proponent is to facilitate a display and feedback period of at least 7 days.

In light of the potentially concise feedback period, the proponent is encouraged to use both electronic and hard copy methods to display the submitted schemes. The consent authority will assist in facilitating this community feedback process."

Substitute with:

*"At the close of the submission period, the submitted schemes are to be placed on exhibition and community feedback invited. To ensure the jury can meet promptly at the conclusion of the submission period and have the opportunity to view any community feedback obtained, the proponent is to facilitate a display and feedback period of at least **14 days**.*

*In light of the potentially concise feedback period, the proponent is encouraged to use both electronic and hard copy methods **(such as a community feedback stall within a publicly accessible area of the Tweed Heads CBD)** to display the submitted schemes. The consent authority will assist in facilitating this community feedback process **through display at Council offices, libraries and illustration in the Tweed Link.**"*

The Amendment was **Carried** on the Casting Vote of the Mayor.

FOR VOTE - Cr K Milne, Cr B Longland, Cr G Bagnall
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne
ABSENT. DID NOT VOTE - Cr M Armstrong

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor - (Minute No P166 refers)

FOR VOTE - Cr K Milne, Cr B Longland, Cr G Bagnall
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne
ABSENT. DID NOT VOTE - Cr M Armstrong

9 [PR-PC] Community Resilience Innovation Program Grants

P 167

Cr P Youngblutt
Cr C Byrne

RECOMMENDED that Council accepts the grant of \$28,476 from the NSW Ministry of Police and Emergency Services - Community Resilience Innovation Program for the implementation of Emergency Preparedness for Vulnerable Communities within Flood-prone Caravan Parks across the Tweed and includes the grant funding in the December Quarterly Budget Review.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

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

P 168

**Cr P Youngblutt
Cr K Milne**

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

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong***

ORDERS OF THE DAY

Nil.

CONFIDENTIAL COMMITTEE

P 169

**Cr P Youngblutt
Cr B Longland**

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
ABSENT. DID NOT VOTE - Cr M Armstrong***

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

P 170

RECOMMENDED that the recommendations of the Confidential Committee be adopted.

C1 [PR-PC] Unauthorised Works at Lot 1 DP 613261 Cudgen Road, Cudgen

RECOMMENDED that Council, in respect to the unauthorised works and unsightly land use at 572 Cudgen Road, Cudgen endorse the following:

1. This report be received and noted; and
2. Council officers write to the complainant and landowners confirming that there is no longer any breach and that the matters of compliance are closed.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

C2 [PR-PC] Class 1 Appeal - Development Application DA13/0201 for a Telecommunications Facility at Lot 100 DP 1192162 (Formerly Lot 1 DP 397082) Depot Road, Kingscliff

RECOMMENDED that:

1. Council withdraw its contention that development application DA13/0201 should be refused by the NSW Land and Environment Court; and
2. Council consent to orders being made approving the development application DA13/0201 subject to conditions.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr C Byrne, Cr B Longland, Cr G Bagnall
AGAINST VOTE - Cr W Polglase, Cr K Milne
ABSENT. DID NOT VOTE - Cr M Armstrong

- C3 [PR-PC] Class 1 Appeal - 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; Lot 367 DP 755740 No. 40 Queen Street**

RECOMMENDED that Council engages its solicitors and suitable consultants to defend the appeal on the grounds of the previous refusal.

The Amendment was **Carried** on the Casting Vote of the Mayor.

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

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

ABSENT. DID NOT VOTE - Cr M Armstrong

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor-
(Minute No PC15 refers)

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

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

ABSENT. DID NOT VOTE - Cr M Armstrong

There being no further business the Planning Committee Meeting terminated at 5.35pm.

