



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

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

Minutes

Planning Committee Meeting Thursday 3 July 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 B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Neil Baldwin (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Shane Davidson (Executive Officer) and Ms Ann Mesic (Minutes Secretary).

Cr G Bagnall was not present at the commencement of the meeting.

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer read by the Mayor.

APOLOGIES

Nil

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

P 86

**Cr K Milne
Cr W Polglase**

RECOMMENDED that:

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- B. Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:
- 1. A teleconference be organised between the Councillors and Council's solicitors to discuss the options previously presented to Council, as outlined in a confidential attachment to a report to the June Planning Committee Meeting; and
 - 2. A further report be brought back to the Planning Committee following the teleconference to determine preferred actions.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall**

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

P 87

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0132 for dual use of dwelling - tourist accommodation and residential at Lot 72 DP 1030322 No. 30 Eclipse Lane, Casuarina be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 88

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0154 for dual use of existing dwelling - tourist accommodation and residential at Lot 18 DP 1162599 No. 330 Casuarina Way, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 89

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0059 for a change of use to dual use - residential and tourist accommodation at Lot 22 DP 1030322 No. 28 Collins Lane, Casuarina be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 90

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0206 for dual use of existing dwelling - tourist accommodation and residential at Lot 305 DP 1070793 No. 3 Cactus Court, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 91

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0120 for dual use of existing dwelling (tourist accommodation) at Lot 489 DP 1070795 No. 12 Cactus Court, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 92

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0160 for dual use of existing dwelling - tourist accommodation and residential at Lot 38 DP 1066506; No. 1 North Point Avenue, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 93

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0161 for dual use of existing dwelling - tourist accommodation and residential at Lot 115 DP 1066504 No. 17 Malibu Street, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 94

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0131 for dual use of existing dwelling - tourist accommodation and residential at Lot 98 DP 1066504 No. 18 Malibu Street, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 95

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0199 for dual use of existing dwelling - tourist accommodation and residential at Lot 77 DP 1066472 No. 3 Cathedral Court, Kingscliff be granted in-principle support and a report be brought back to a future Planning Committee meeting with recommended conditions of consent for Council to determine.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

- 12 **[PR-PC] Development Application DA14/0169 for a Boundary Adjustment at Lot 1 DP 326434 Lilly Pilly Road, Tyalgum Creek; Lot 4 DP 774793 No. 217 Stoddarts Road, Tyalgum Creek**

P 96

**Cr C Byrne
Cr P Youngblutt**

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 20(2)(a) of Tweed Local Environmental Plan 2000 regarding minimum lot size 40ha be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA14/0169 for a boundary adjustment at Lot 1 DP 326434 Lilly Pilly Road, Tyalgum Creek; Lot 4 DP 774793 No. 217 Stoddarts Road, Tyalgum Creek be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos Appendix D prepared by Joe Davidson Town Planning and dated 20 March 2014, except where varied by the conditions of this consent.
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. Pursuant to Section 68 of the Local Government Act , 1993 any future development application for a dwelling shall be supported by an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993 and pay the appropriate fee. [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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.

Construction of Right of Carriageway

- (a) The proposed right of carriageway is to be constructed to the following standards from the existing Stoddarts Road to the property boundary of proposed Lot A previously known as Lot 1 in DP 326434:
 - 1) 3.6m wide full width bitumen seal on a 150mm depth roadbase gravel. The carriageway shall be 1m wider than the pavement and any associated batters, catch drains or service corridors.
-

- 2) The above details are to be shown on the application for a Construction Certificate.

[PCC0875]

5. 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
 - stormwater drainage
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*

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

[PCC0985]

6. 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]

7. As the subject site is located within 40 metres of a watercourse, any required permits are to be obtained from the NSW Office of Water (Department of Primary Industries) pursuant to s.89, 90 and 91 of the Water Management Act 2000, prior to issue of a Construction Certificate.

[PCC1330]

DURING CONSTRUCTION

8. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.

[DUR1005]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

9. 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]
10. 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]
11. 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) 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.
 - (b) The creation of a Right of Carriageway over road reserve within Lot 4 in DP 774793 and in favour of Lot 1 in DP 326434 and Lot 18 in DP 755748.
- [PSC0835]
12. 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]

13. 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]

14. 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]

15. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) 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]

16. Prior to the issue of the Subdivision Certificate, the applicant shall comply with the recommendations of the Tweed Shire Council Road Closure Report dated 2 March 2006 and the following requirements.

1. The closure and purchase of the road reserve within Lot 4 in DP 774793 subject to the creation of a Right of Carriageway being created over the site of the formed tracks in favour of Lot 1 in DP 326434 and Lot 18 in DP 755748;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a registered valuer approved and engaged by Council;
3. The title of the road reserve be consolidated with the applicant's land; and

4. All necessary documentation is executed under Common Seal of Council. [PSCNS01]

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

1. Any alteration to the electricity supply network required to service the proposed lots shall comply with the acceptable solutions for electricity services in section 4.1.3 of 'Planning for Bushfire Protection 2006'.
2. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lot B over the property access road to proposed Lot A. The restriction to use shall require the access to be constructed and maintained in accordance with the acceptable solutions for property access in Section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'. The property access shall be constructed prior to the issue of subdivision certificate.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

- 13 [PR-PC] Development Application DA13/0175 for a 86 Lot Residential Subdivision in Four Stages Comprising 81 Residential Lots with Dedication of Two Lots as Drainage Reserves, One Lot as Public Reserve, One Lot as Riparian Buffer and One Lot as Sewer Pump Station Site at Lot 2 DP 534521 No. 210 Murwillumbah Street, Murwillumbah; Lot 332 DP 1158142 Silkpod Avenue, Murwillumbah**

P 97

Cr W Polglase
Cr M Armstrong

RECOMMENDED that Development Application DA13/0175 for a 86 lot residential subdivision in four stages comprising 81 residential lots with dedication of two lots as drainage reserves, one lot as public reserve, one lot as riparian buffer and one lot as sewer pump station site at Lot 2 DP 534521 No. 210 Murwillumbah Street, Murwillumbah; Lot 332 DP 1158142 Silkpod Avenue, Murwillumbah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
 - Drawing No. 19291 B Sheet 1 of 2 Revision G Reference No. M31530 (Proposed Subdivision Plan with Layout and Staging) as amended in red prepared by B & P Surveys Consulting Surveyors and dated 4 April 2014,

- Drawing No. 19291 B Sheet 2 of 2 Revision G Reference No. M31530 (Proposed Layout and Existing Contours) as amended in red prepared by B & P Surveys Consulting Surveyors and dated 4 April 2014,

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0045]

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

[GEN0125]

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

[GEN0135]

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

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

[GEN0155]

6. The north-eastern termination of Rous River Way is located on Council land: Lot 2 DP 534521. The applicant is required to obtain owner's consent to enter the land for any works intended to be undertaken on the property, prior to the issuing of a construction certificate for Stage 4.

[GENNS01]

7. Plan SK 4342 Revision A (Earthworks Cut/Fill Shade Plan) prepared by Bradlees and dated 28 March 2014 is to be resubmitted as part of the construction certificate application, but amended to clearly show both the cut and fill areas as well as the depths/heights intended.

[GENNS02]

8. The applicant shall not remove, damage or disturb native vegetation without prior approval from the relevant authority or unless such activity has been prescribed in the approved site based Vegetation and Fauna Management Plan.

[GENNS03]

9. The constructed bed and banks of the open drainage channel traversing proposed Lot 604 (as shown on Drawing No. SK 4340 Rev. A prepared by Bradlees and dated 28 March 2014) shall be excised from Lot 604, amalgamated into Lot 627 and managed as a drainage reserve. The balance of Lot 604 shall be described as 'Public Conservation Reserve' for the purpose of providing a riparian buffer to the Rous River with dedication to Council as part of Stage 6 of the development.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. 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]

11. 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).

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

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

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

The SWMP shall include:

- a) Detailed bio-retention basin design in accordance with *Water By Design's Bio-Retention Technical Design Guidelines*.

- b) Details of bio-retention construction and establishment methods in accordance with *Water by Design Construction and Establishment Guidelines*.
- c) A bio-retention maintenance plan in accordance with *Water by Designs Maintaining Vegetated Stormwater Assets*.
- d) In addition to the hydraulic calculation required under Development Design Specification D5 - Stormwater Drainage Design, hydraulic calculations shall be provided to verify the adequacy of the major twin 1500mm pipes under low flow. Reference should be made to QUDM section 7.11. Q1 flows shall be used.
- e) The outlet of the twin 1500mm piped drains reasonably aligned with the direction of flow in the open drain in accordance with QUDM Section 8.05.
- f) Plans and cross-sections of service locations at Road 1 showing, as far as is practicable, all services located outside the extents of the zone of excavation of the twin 1500mm drainage pipes.
- g) A maintenance plan for the major twin 1500mm pipe system.
- h) Swale drains with a longitudinal gradient less than 0.5% shall have a gabion mattress base installed.
- i) Details of appropriate drain safety measures in accordance with QUDM Section 12.

[PCC0165]

12. 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 corresponding Subdivision Certificate is issued.

[PCC0275]

13. 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]

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

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.

(c) Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.

(d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

15. 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]

16. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678 and Council's Development Design and Construction Specifications.

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

Please note timber retaining walls are not permitted.

[PCC0475]

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

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

[PCC0485]

18. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and to minimise the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval as part of each construction certificate application.

[PCC0675]

19. 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 each Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

20. 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 Council's Development Design and Construction specifications.

URBAN ROAD

- (a) Construction of urban bitumen sealed road formations for all roads within the subdivision, generally in accordance with Plans SK 4343 to SK 4349 Revision A prepared by Bradlees and dated 28 March 2014.
- (b) Construction of a 2.5m wide cycleway within the northern/western footpath area of Rous River Way.
- (c) A concrete footpath is to be provided for the entire frontage of Lot 602.
- (d) Reconstruction of Rous River Way must be fully completed as part of Stage 5 works. This is to include the re-shaping of Lot 602 with the new stormwater outlet.
- (e) The north-eastern termination of Rous River Way is not to end with a bulb, as the 9m carriageway width is to extend to the (prolongation of) the eastern boundary of Lot 401. A turn-around provision shall be constructed at the end of the road, utilising two vehicular footpath crossing slabs (5m wide) to facilitate turn-around manoeuvring.

These crossings would need to be signposted as "No Parking. Vehicle turn-around area" or similar.

OTHER

- (f) The footpath levels in Joshua Street fronting Lots 713 - 715 are to be evenly graded and fall is to be attained from the front of the lots to the existing kerb line.
- (g) A concrete footpath is required for the frontage of Lots 713 - 715 in Joshua Street.
- (h) Indicative driveway layouts including long-sections, shall be provided in accordance with Council's Driveway Access to Property specifications, for all lots fronting Joshua Street.
- (i) Retaining walls shall be designed and constructed in accordance with Development Design Specification D6 - Site Regrading. All retaining walls should be located on private land. Any retaining walls required to be on land to be dedicated to Council shall be of a structural nature, unless aesthetic requirements preclude.
- (j) The design for the open channel emanating from the northern end of Joshua Street must locate and detail any existing stormwater lines that discharge into the vicinity, and appropriately cater for their discharges.
- (k) Access is required across the main stormwater channel within the Rous River riparian buffer area for rehabilitation works and on-going maintenance. To facilitate this an extended rock 'path' across the channel in the form of 'reno mattresses' is required.

- (l) Provision of inter-allotment drainage for ALL lots that do not drain to a street frontage. In this regard Lots 605 to 608, 613 to 620, 717 to 721 have been overlooked but require inter-allotment drainage.
- (m) Reverse footpath crossfall is to be provided at the low point at the end of Road 3, to facilitate overland flowpath provisioning to the open channel.
- (n) Provide a cross-section of the triple stormwater pipes bisecting and encumbering Lots 718 and 719. Ensure the pipe within Lot 719 is located away from the side boundary to ensure clearance from fence posts.
- (o) Geotechnical investigation is required for the area generally covered by Lots 404 to 417, to verify satisfactory settlement has been achieved where pre-loading for prior bulk earthworks was previously undertaken (pressure plates were damaged prior to finalisation of settlement monitoring).
- (p) Geotechnical assessment is to be carried out on the known areas of 'slumping' on the eastern side of Joshua Street, to ensure site filling in that location is effectively undertaken.
- (q) The maintenance track to the bio-filtration basins is to be constructed of heavy duty reinforced concrete, and must not encroach into the existing SRM easement (current infringement noted on Plan SK 4359 Revision A prepared by Bradlees and dated 28 March 2014).

SEWER/WATER:

1. Construction of the proposed water and sewer assets must meet the Council Development Design Specification - D12 for Sewerage Systems and D11 for Water Supply.
2. Water supply design to meet D11.07.3; reticulation mains shall be looped to eliminate dead ends and D11.08.1(c); stop valves shall be located so that approximately 20 dwellings can be isolated for shutdowns. The design shall include a 150mm diameter water main in Rous River Way from Joshua Street to the existing 200mm diameter main.
3. Sewerage system design to meet D12.08.13; house connections shall not be made to manholes or maintenance shafts.
4. Some of the proposed invert levels on Plans SK 4353 to SK4355 (Revision A prepared by Bradlees and dated 28 March 2014) do not meet D12.08.10. Therefore the invert levels on the plan are considered to be preliminary and are subject to change to meet Council requirements.
5. Inset A on plan SK 4353 (Revision A prepared by Bradlees and dated 28 March 2014) does not meet D12.20 3(d), 8(a) and 9(a) in relation to the location and layout of the sewer pump station and is therefore considered to be preliminary and is subject to change to meet Council requirements. In particular, the size and shape of Lot 603 does not cater for the required 50m buffer, with the final size and shape of Lot 603 needing to be determined on the basis of final design of the pump station. It is expected that Lot 603 will need to increase in size.

6. The sewer pump station is to be located on a lot of land to be transferred to Council in fee simple. Proposed Lot 603 shown in the subdivision plans is intended for this purpose but is considered as indicative only. The final location, size and shape of Lot 603 shall be determined on the basis of the final approved design of the pump station considering the requirements of the Development Design Specifications including vehicle manoeuvring areas and buffer distances to adjoining properties. Hence the approved subdivision plan (as amended by notation in red) is subject to future amendment to meet these requirements.
7. Lots 401 and 402 are to be serviced by extending the line from Lot 403.
8. Lots 408 and 415 are to be serviced by 'cut-in' junctions on existing lines along Rous River Way.
9. Lots 409 - 411 are to be serviced by the existing road crossing coming from Lot 412.
10. Lots 416 and 417 are to be serviced by the existing road crossing coming from lot 421.
11. SMH at rear of Lot 615 will require a vent due to rising main connection.
12. Lots 613, 614, 701 - 706, 717 - 721 all have sewer connections on the HIGH SIDE of the lot. Ensure sewer junctions are deep enough to service 90% of each lot being serviced, in accordance with D12.05.2.
13. The construction certificate application shall include detailed design of any required changes to Council's existing sewer rising mains, and the pumping implications of this.
[PCC0875]
21. 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]
22. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
 - (a) copies of compliance certificates relied upon
 - (b) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks/furnishings
 - stormwater drainage

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

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

[PCC0985]

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

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

[PCC1105]

24. 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]

25. 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]
26. 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 Council's nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Council's nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Councils adopted fees and charges.
- [PCC1205]
27. As works will be undertaken within 40 metres of a watercourse, any required permits are to be obtained from the NSW Office of Water (Department of Primary Industries) pursuant to s 89, s 90 and s 91 of the *Water Management Act 2000*, prior to issue of any relevant Construction Certificate.
- [PCC1330]
28. A Riparian and Biological buffer planting report shall be prepared to the satisfaction of the General Manager or delegate addressing the requirements of the Rural Land Assessment Report prepared by Sedgman Yeats dated 31 January 2013 Revision No. 9.
29. An Acid Sulfate Soils Management Plan shall be submitted and approved by the General Manager or delegate. The plan shall incorporate the construction work detail, including any dewatering required, and appropriate treatment methodology in accordance with the Acid Sulfate Soils Manual, ASSMAC 1998.
30. A construction noise management plan shall be submitted and approved by the General Manager or delegate. The plan shall be prepared in accordance with the Interim Construction Noise Guideline, NSW DECC July 2009.
- [PCCNS01]
31. All roads and lots are to be filled to the Design Flood Level of RL 4.9m AHD. In this regard the rear of Lots 718 and 719 are to be raised.
- [PCCNS02]
32. Existing ground levels at all boundaries of the subject site are to be preserved.
- [PCCNS03]

33. Retaining walls shall be designed and constructed in accordance with Development Design Specification D6 - Site Regrading. All retaining walls should be located on private land. Any retaining walls required to be on land to be dedicated to Council shall be of a structural nature, unless aesthetic requirements preclude. [PCCNS04]
34. 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. Reference should be made to Council's Native Species Planting Guide for Tweed and Byron Shires. [PCCNS05]
35. A Habitat Restoration Plan (HRP) is required to be prepared generally in accordance with Council's *Draft Guideline for the Preparation and Implementation of Habitat Restoration Plans (2010)* by a person suitably qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation communities (eg. wetlands, rainforest, riparian areas, dunal areas) to address the following areas:
- a. The 'Public Conservation Reserve' as shown on the approved subdivision plans described as the Rous River Buffer pursuant to Condition 9 of this development consent.
 - b. Existing Community Land identified as Lot 133 DP1139107: a 3000m² area of existing Council land contiguous with the Rous River Buffer described above, extending for a width of 50 metres landward from the top of bank of the Rous River. This riparian restoration zone is required to compensate for the loss of native remnant vegetation at a ratio of 1:1 (replace:loss) described as *Grey Ironbark/White Mahogany/Grey Gum Open Forest Complex sub type Pink Bloodwood and/or Tallowwood and/or Flooded Gum and/or Brushbox* to be removed to facilitate the development.

The HRP shall be submitted and approved by Council's General Manager or delegate prior to issue of the first construction certificate for any stage of the development and shall include the following:

- a. An appraisal of the present condition of remnant vegetation;
- b. Plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate;
- c. Management strategy for each of the zones including the approach, methods and techniques to be used for vegetation restoration;
- d. Schedule of local native plant species to be used for planting;
- e. Program of works to be undertaken to remove invasive weed species;
- f. Schedule of timing of proposed works;
- g. Maintenance, monitoring and reporting schedule with developer commitment for a period of 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.

[PCCNS06]

36. A Vegetation and Fauna Management Plan (V&FMP) shall be prepared by a suitably qualified ecologist to be implemented during the construction phase for all relevant stages of the development. The V&FMP shall be submitted and approved by Council's General Manager or delegate prior to issue of the first construction certificate for any stage of the development. The V&FMP shall include (but not be limited to) the following:
- a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development;
 - b. A statement of the reasons why the damage is necessary and any relevant factors associated with the purpose of the proposed damage;
 - c. Details of all proposed infrastructure, site access and services;
 - d. Details of strategies and methods to be implemented to protect vegetation to be retained in accordance with the *Australian Standard AS 4970-2009 Protection of trees on development sites*;
 - e. Methods for the reuse of felled vegetation from the subject site;
 - f. Disposal methods for remaining debris after the above methods have been employed;
 - g. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc) and description of fauna species known/likely to utilise habitat features;
 - h. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed);
 - i. Considerations relating to time periods for when fauna is to be removed/flushed prior to clearing.
 - j. Details of special equipment required (such as cameras, elevated platforms etc);
 - k. Identification of general locations that wildlife will be relocated/translocated to if required (based on habitat requirements);
 - l. Specify that all fauna management procedures shall be undertaken by a suitably qualified wildlife specialist who holds a Wildlife Conservation License with an extended authority issued by the NSW Department of Environment & Heritage; and
 - m. Provide details of appropriate Flying Fox camp signage to be installed in Lot 601 at the developer's expense prior to issue of the subdivision certificate for Stage 6.

[PCCNS07]

37. The applicant shall prepare detailed engineering design plans for the length of the open drainage channel (as shown on Drawing. No. SK 4340 Rev. A prepared by Bradlees and dated 28 March 2014) where aligned adjacent to the Rous River Buffer. The design shall generally be consistent with the *Queensland Urban Design Manual 2013 - Section 9.0 Open Channel Hydraulics*, and be based on the concept of 'Natural Channel Design' in order to ensure compatibility with the long term management intent of the Rous River Buffer. The design of the open channel shall be approved by Council's General Manager or delegate prior to the issue of the construction certificate for Stage 6.

[PCCNS08]

38. A detailed landscape plan prepared by a qualified landscape architect must be submitted for all streetscapes, pedestrian walkways, cycle paths, public reserves, drainage reserves or any land being transferred to Council. Such a plan must include a surface treatment for proposed Lots 601 and 602 and be approved by the Manager Recreation Services, Tweed Shire Council and be consistent with Council's Subdivision Manual (Section A5 of the Tweed Development Control Plan) and Development Design Specification (D14) and any relevant Standard Drawing. The slopes where grass is planted on Lots 601 and 602 are to not exceed 20% to allow mowing (although slopes up to 25% could be accepted if justified). Any slopes that exceed 25% require a suitable alternative landscaping treatment to grass that will not require mowing.

[PCCNS09]

39. Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009). Appendix 3 of this establishes a procedure for assessing nearby hazards and mitigation measures. New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.

[PCCNS10]

PRIOR TO COMMENCEMENT OF WORK

40. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

41. 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]

42. 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]

43. 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]

44. Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site.

[PCW0775]

45. 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]

46. 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]

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

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]

48. A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis during construction works. Details of the contact person and telephone number shall be clearly displayed at the site entry. Details of the contact person and telephone number shall be locally advertised a minimum of fourteen (14) days prior to the commencement of works and local, directly affected residents notified by means of an individual letter drop to each household.

[PCWNS01]

DURING CONSTRUCTION

49. 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]

50. 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]

51. 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]

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

[DUR0745]

53. During filling operations

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

and upon completion,

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

[DUR0755]

54. 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]

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

[DUR0815]

56. 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]

57. 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]

58. 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]

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

[DUR1015]

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

[DUR1025]

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

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.

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

[DUR1805]

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

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

[DUR1825]

64. Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.

[DUR1835]

65. 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.

[DUR1875]

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station and Lift Stations

- (a) Excavation
- (b) Formwork/reinforcement
- (c) Hydraulics
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) 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]

67. 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 a Subdivision Certificate.

[DUR1955]

68. 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]

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

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

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

[DUR2035]

70. 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]

71. Drainage Reserves

- (a) The proposed drainage reserves are to be dedicated to Council at no cost, as part of Stage 6.
- (b) An accurate plan of the proposed drainage reserves shall be submitted to Council 60 days prior to lodgment of Application for Subdivision Certificate (form 13) to allow the land to be classified.

[DUR2295]

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

[DUR2355]

73. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway in accordance with Council's Design and Construction Specifications.

[DUR2365]

74. 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]

75. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

76. 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 Council's Engineering Division to arrange a suitable inspection.

[DUR2445]

77. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate to allow the land to be classified.

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.

[DUR2635]

78. Dust and Erosion Management

- (a) Site earthworks are to be limited to a 5ha maximum at any time to reduce exposed areas. Completed area's 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]

79. All works shall be carried out in accordance with the approved construction noise management plan.

[DURNS01]

80. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DURNS02]

81. All operations must comply with the approved Vegetation and Fauna Management Plan. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations, appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or if required the Department of Environment and Heritage. No further site clearing will take place until any respective Plan(s) of Management is/are approved.

[DURNS03]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

82. 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]

83. 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:

Stage 4

Water DSP2:	23 ET @ \$12575 per ET	\$289,225
Sewer Murwillumbah:	23 ET @ \$6042 per ET	\$138,966

Stage 5

Water DSP2:	15 ET @ \$12575 per ET	\$188,625
Sewer Murwillumbah:	15 ET @ \$6042 per ET	\$90,630

Stage 6

Water DSP2:	22 ET @ \$12575 per ET	\$276,650
Sewer Murwillumbah:	22 ET @ \$6042 per ET	\$132,924

Stage 7

Water DSP2:	21 ET @ \$12575 per ET	\$264,075
Sewer Murwillumbah:	21 ET @ \$6042 per ET	\$126,882

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]

84. 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.

Stage 4

(a) Tweed Road Contribution Plan: 149.5 Trips @ \$1364 per Trips (\$1,317 base rate + \$47 indexation) S94 Plan No. 4 Sector9_4	\$203,918
(b) Open Space (Structured): 23 ET @ \$622 per ET (\$575 base rate + \$47 indexation) S94 Plan No. 5	\$14,306
(c) Shirewide Library Facilities: 23 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$19,274
(d) Bus Shelters: 23 ET @ \$64 per ET (\$60 base rate + \$4 indexation) S94 Plan No. 12	\$1,472
(e) Eviron Cemetery: 23 ET @ \$123 per ET (\$101 base rate + \$22 indexation) S94 Plan No. 13	\$2,829
(f) Community Facilities (Tweed Coast - North) 23 ET @ \$1389 per ET (\$1,305.60 base rate + \$83.40 indexation) S94 Plan No. 15	\$31,947
(g) Extensions to Council Administration Offices & Technical Support Facilities 23 ET @ \$1860.31 per ET (\$1,759.90 base rate + \$100.41 indexation) S94 Plan No. 18	\$42,787.13

- (h) Cycleways:
23 ET @ \$473 per ET \$10,879
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (i) Regional Open Space (Casual)
23 ET @ \$1091 per ET \$25,093
(\$1,031 base rate + \$60 indexation)
S94 Plan No. 26
- (j) Regional Open Space (Structured):
23 ET @ \$3830 per ET \$88,090
(\$3,619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 5

- (a) Tweed Road Contribution Plan:
97.5 Trips @ \$1364 per Trips \$132,990
(\$1,317 base rate + \$47 indexation)
S94 Plan No. 4
Sector9_4
- (b) Open Space (Structured):
15 ET @ \$622 per ET \$9,330
(\$575 base rate + \$47 indexation)
S94 Plan No. 5
- (c) Shirewide Library Facilities:
15 ET @ \$838 per ET \$12,570
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (d) Bus Shelters:
15 ET @ \$64 per ET \$960
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (e) Eviron Cemetery:
15 ET @ \$123 per ET \$1,845
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (f) Community Facilities (Tweed Coast - North)
15 ET @ \$1389 per ET \$20,835
(\$1,305.60 base rate + \$83.40 indexation)
S94 Plan No. 15

-
- (g) Extensions to Council Administration Offices
& Technical Support Facilities
15 ET @ \$1860.31 per ET \$27,904.65
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18
 - (h) Cycleways:
15 ET @ \$473 per ET \$7,095
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
 - (i) Regional Open Space (Casual)
15 ET @ \$1091 per ET \$16,365
(\$1,031 base rate + \$60 indexation)
S94 Plan No. 26
 - (j) Regional Open Space (Structured):
15 ET @ \$3830 per ET \$57,450
(\$3,619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 6

- (a) Tweed Road Contribution Plan:
143 Trips @ \$1364 per Trips \$195,052
(\$1,317 base rate + \$47 indexation)
S94 Plan No. 4
Sector9_4
- (b) Open Space (Structured):
22 ET @ \$622 per ET \$13,684
(\$575 base rate + \$47 indexation)
S94 Plan No. 5
- (c) Shirewide Library Facilities:
22 ET @ \$838 per ET \$18,436
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (d) Bus Shelters:
22 ET @ \$64 per ET \$1,408
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (e) Eviron Cemetery:
22 ET @ \$123 per ET \$2,706
(\$101 base rate + \$22 indexation)
S94 Plan No. 13

- (f) Community Facilities (Tweed Coast - North)
22 ET @ \$1389 per ET \$30,558
(\$1,305.60 base rate + \$83.40 indexation)
S94 Plan No. 15
- (g) Extensions to Council Administration Offices
& Technical Support Facilities
22 ET @ \$1860.31 per ET \$40,926.82
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18
- (h) Cycleways:
22 ET @ \$473 per ET \$10,406
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (i) Regional Open Space (Casual)
22 ET @ \$1091 per ET \$24,002
(\$1,031 base rate + \$60 indexation)
S94 Plan No. 26
- (j) Regional Open Space (Structured):
22 ET @ \$3830 per ET \$84,260
(\$3,619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 7

- (a) Tweed Road Contribution Plan:
136.5 Trips @ \$1364 per Trips \$186,186
(\$1,317 base rate + \$47 indexation)
S94 Plan No. 4
Sector9_4
- (b) Open Space (Structured):
21 ET @ \$622 per ET \$13,062
(\$575 base rate + \$47 indexation)
S94 Plan No. 5
- (c) Shirewide Library Facilities:
21 ET @ \$838 per ET \$17,598
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (d) Bus Shelters:
21 ET @ \$64 per ET \$1,344
(\$60 base rate + \$4 indexation)
S94 Plan No. 12

(e) Eviron Cemetery: 21 ET @ \$123 per ET (\$101 base rate + \$22 indexation) S94 Plan No. 13	\$2,583
(f) Community Facilities (Tweed Coast - North) 21 ET @ \$1389 per ET (\$1,305.60 base rate + \$83.40 indexation) S94 Plan No. 15	\$29,169
(g) Extensions to Council Administration Offices & Technical Support Facilities 21 ET @ \$1860.31 per ET (\$1,759.90 base rate + \$100.41 indexation) S94 Plan No. 18	\$39,066.51
(h) Cycleways: 21 ET @ \$473 per ET (\$447 base rate + \$26 indexation) S94 Plan No. 22	\$9,933
(i) Regional Open Space (Casual) 21 ET @ \$1091 per ET (\$1,031 base rate + \$60 indexation) S94 Plan No. 26	\$22,911
(j) Regional Open Space (Structured): 21 ET @ \$3830 per ET (\$3,619 base rate + \$211 indexation) S94 Plan No. 26	\$80,430

[PSC0175]

85. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.6

[PSC0185]

86. 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]

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

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

[PSC0225]

88. A bond to ensure acceptable plant establishment, landscaping performance and habitat restoration at time of handover to Council shall be lodged by the Developer prior to the issue of the Subdivision Certificate. The bond shall be held by Council for a period of 12 months from the date of issue of the Subdivision Certificate or until all plantings are fully established and may be utilised by Council during this period to

undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

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

[PSC0235]

89. 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]

90. 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]

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

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

- (a) 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.

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

[PSC0785]

92. Upon completion of all works on the site relevant to Stage 6 and prior to the issue of a Subdivision Certificate for that Stage, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads.

The dilapidation reports shall take into consideration the findings of the original reports and advise if any damages have occurred that could be attributed to the work the subject of this development consent. If damages have occurred the PCA is to be provided with evidence that the damages have been satisfactorily repaired OR that alternative mutually agreeable arrangements (ie: between the Developer and the affected property owner) have been finalised, prior to the issue of the Stage 6 a Subdivision Certificate.

A copy of the dilapidation report is to be provided to the Principle Certifying Authority and to Council.

NOTE: If bulk earthworks (including construction of all open stormwater channels) for the entire subdivision have not been completed when the Stage 6 Subdivision Certificate is to be issued, then compliance with this Condition defers to the Stage 7 Subdivision Certificate. If this is the case, the applicant is to advise Council accordingly, at the time of submission of the Stage 6 Subdivision Certificate application.

[PSC0795]

93. 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]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Identify all allotments to be created as dual occupancies.
- (c) Extinguishment of superfluous Right Of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public, but are now no longer required.
- (d) The existing 'Right of Carriageway 16 wide' and 'Easement for Services 16 wide' within the Fig Court road extension area, are to be extinguished as part of Stage 4.

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]

95. 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]

96. 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]

97. 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]

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

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

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier". [PSC0915]
99. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision. [PSC0925]
100. A formal asset handover of all water quality control devices is to be implemented at the completion of the maintenance period ("Off Maintenance"), whereby all relevant stakeholders will inspect the device and be issued with a current operational manual for the device. [PSC1025]
101. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.
- Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.
- All costs associated with the CCTV inspection and repairs shall be borne by the applicants. [PSC1065]
102. As part of the release of the subdivision certificate for Stage 6, the proponent shall:
- (a) Dedicate the proposed drainage reserves and public reserves at no cost to Council.
- NOTE: The open stormwater channel that traverses Lot 604 is to be dedicated as Drainage Reserve (part of Lot 627).
- (b) Submit an accurate plan of the proposed drainage reserves to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified. [PSC1075]
103. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.
- The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier. [PSC1115]
104. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision. [PSC1125]

105. 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]

106. Electricity

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

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

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

[PSC1185]

107. 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]

108. The north eastern end of Rous River Way, within Lot 2 DP 534521, is to be dedicated as a public road upon registration of the Plan of Subdivision for Stage 4.

[PSCNS01]

109. A formal assessment of the cost to implement the Park Amendment Plan (Drawing Nos. 2, 3, 4 Issue A prepared by Boyds Bay Planning and dated 4 April 2014) is to be prepared by an independent quantity surveyor, submitted to Council and agreed upon by both Council and the developer.

The developer is to provide the agreed amount as a financial contribution to Council prior to the issue of a Subdivision Certificate for Stage 5 of development. The contribution will be used by Council to undertake an upgrade to Rous River Way Park, Lot 132 DP 1139107, Rous River Way, Murwillumbah.

[PSCNS02]

110. 60 days prior to lodgement of Application for Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Sports Fields, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land, as detailed in the *Local Government Act 1993*.
[PSCNS03]
111. Environmental restoration works on the Public Conservation Reserve (Rous River Buffer - Lot 604) shall be completed to a level specified in the approved ERP prior to the issue of the subdivision certificate for Stage 6 and shall be maintained at all times to the satisfaction of the General Manager or delegate.
[PSCNS04]
112. Access to the Public Conservation Reserve (Rous River Buffer - Lot 604) must be provided for maintenance purposes prior to the issue of the subdivision certificate for Stage 6.
[PSCNS05]
113. Prior to the release of a Subdivision Certificate for each corresponding stage of the project, public reserves shall be suitably embellished at no cost to Council in accordance with the approved detailed Landscape Plans and dedicated to Council upon registration of the Plan of Subdivision for the relevant stage.
[PSCNS06]
114. The developer is to undertake care and maintenance operations on all streetscapes and public reserves for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.
[PSCNS07]
115. Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted for all landscaped casual and active open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.

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

Two categories of WAX plans are to be provided:

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

The plans are to be submitted in the following formats:

- a. 2 paper copies of the same scale and format as the approved plan.
- b. A PDF version on CD or an approved medium.

An electronic copy in DWG or DXF format on CD or an approved medium.

[PSCNS08]

GENERAL TERMS OF APPROVAL for work requiring a controlled activity approval under s91 of the Water Management Act 2000

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA13/0175 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Works Schedule
- (iii) Erosion and Sediment Control Plan
- (iv) Soil and Water Management Plan

4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with NSW Office of Water guidelines located at www.water.nsw.gov.au/Water_Licensing/Approvals/default.aspx

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) Outlet Structures

5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

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

The Motion was **Carried**

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

- 14 **[PR-PC] Development Application DA10/0020.05 for an Amendment to Development Consent DA10/0020 for the Establishment of a Brothel at Lot 2 SP 84405 No. 2/36 Enterprise Avenue, Tweed Heads South**

P 98

Cr P Youngblutt
Cr M Armstrong

RECOMMENDED that Development Application DA10/0020.05 for an amendment to Development Consent DA10/0020 for the establishment of a brothel at Lot 2 SP 84405 No. 2/36 Enterprise Avenue, Tweed Heads South be approved and the consent be amended as follows:

1. Condition No. 43A is to be DELETED and REPLACED with Condition No. 43B which reads as follows:

43B. The hours of operation of the brothel premises are 24 hours per day, seven days per week for a one year trial period commencing on the date of this modified consent.

A further application may be lodged to continue the hours of the use outlined above before the end of the trial period. Council's consideration of the continuance of the operating hours will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, including the Plan of Management, any substantial complaints received and any views expressed by the Police.

At the end of the one year trial period, unless otherwise amended as outlined above, the hours of operation of the brothel are to revert to being restricted to 6.00pm to 6.00am seven days per week, with no public services provided between 6.00am to 6.00pm. The brothel premises is not be used or occupied by sex workers, employees, cleaners etc. prior to 5:00pm or after 7:00am.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr M Armstrong, Cr K Milne, Cr B Longland

AGAINST VOTE - Cr W Polglase, Cr C Byrne

ABSENT. DID NOT VOTE - Cr G Bagnall

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

P 99

**Cr W Polglase
Cr P Youngblutt**

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

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans titled:
 - 'Proposed Storage Sheds', Ref G2853, Sheet 1 of 3;
 - 'Proposed Storage Sheds - Elevations', Ref G2853, Sheet 2 of 3; and

- 'Ecological Setback/Buffer Zone', Ref G2853, Sheet 1 of 3

prepared by Gavin Duffie Contract Draftsman and dated 7 November 2013 (Revised 12 March 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. 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. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.
[GEN0190]
5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]
6. The owner is to ensure that the proposed buildings are constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]
7. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
8. Water and electricity services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
9. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
10. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
11. The proposed development shall be constructed entirely of non-combustible materials.
12. Landscaping of the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
[GENNS01]
13. The plans hereby approve do not include the car parking area in association with DA13/0221.
[GENNS02]

14. The storage sheds are to be used for the purposes of the storage of boats only.
15. The development shall not include boat washing facilities or the like without the approval of the General Manager or delegate officer.
[GENNS03]
16. The approved development shall not result in any clearing of native vegetation without prior approval from Council's General Manager or delegate.
17. The applicant shall establish and appropriately maintain in perpetuity the 'Ecological Setback/Buffer Zone' for conservation purposes as shown on the marked up plan being *Sheet 1 of 3 Ref. G2853 Proposed Storage Sheds Chinderah Bay Road Chinderah dated 12 March 2014 prepared by Gavin Duffie in Amended Plan of Management Land Zoned 7(a) Proposed Open Storage Sheds Chinderah Bay Road Chinderah dated March 2014 prepared by Darryl Anderson Consulting*. The following activities are not permitted within the 'Ecological Setback/Buffer Zone' unless otherwise approved by Council's General Manager or delegate.
 - a. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this approval;
 - b. Erection of any fixtures or improvements, including buildings or structures;
 - c. Construction of any trails or paths;
 - d. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area.
18. No vegetation shall be disturbed during construction of any future fence-line on the common boundary between the subject site and Lot 19 in DP833570 within the nominated Ecological Setback/Buffer Zone without prior approval by Council's General Manager or delegate.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

19. 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]
20. 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. The plan of landscaping shall include details of proposed planting within the southwest corner of the site, **buffering the visual impact of the structures and contents of the storage units from Chinderah Bay Drive** and within the verge and will include species of varying heights (trees, shrubs, groundcovers) to provide visual interest and assist in the screening of the development. Landscaping shall be carried out in accordance with the approved details and shall thereafter be retained as such.

[PCC0585]

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

- (a) All building materials used below Council's design flood level must not be susceptible to water damage;
- (b) 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.
- (c) A certificate of structural adequacy with regard to stability of the structures as a result of flooding has been submitted to Council by a suitably qualified structural / civil engineer.

[PCC0705]

22. Fencing detail is to be provided detailing a form that will either allow the free passage of flood water or be of a light construction such as timber paling that will collapse as a result of any build up of floodwater or debris.

[PCC0725]

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

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

[PCC1105]

24. 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]

25. 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".
26. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.
27. Prior to the issue of a construction certificate, the applicant is to submit to Council a detailed Flood Management Plan (FMP). This FMP is to include details of how the site and storage units (including storage goods) will be managed in the event of a flood. The FMP will also include details of how potential customers are to be advised that the site is flood prone and that the storage area is susceptible to flooding.
28. Prior to the issue of a construction certificate the applicant is to submit to Council details (including scaled plans and elevations) of all proposed fencing, gates and integrated landscaping for approval.
29. A landscaping plan shall be submitted and approved by Council's General Manager or delegate prior to the issue of a construction certificate for the nominated Ecological Setback/Buffer Zone. The landscaping plan shall detail the following:
- a. Planting of appropriate local native species at an average density of one (1) plant per square metre;
 - b. Environmental weed control works;
 - c. Installation of bollards along the length of the western outermost boundary of the Ecological Setback/Buffer Zone. Bollards shall be shown spaced at 1.5metre centres of approximately 150mm diameter, of durable timber or galvanised steel to extend 0.6m above natural ground level;
 - d. Ensure plantings comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*;
 - e. Indicate an establishment period of six (6) months.

[PCC1155]

[PCC1195]

[PCCNS01]

[PCCNS01]

[PCCNS02]

30. Prior to the issue of a construction certificate the applicant is to submit details (including a scaled plan, materials and wording) of proposed advertising signage for approval. The signage is not to be internally or externally illuminated.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

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

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and

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

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

[PCW0255]

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

[PCW0665]

- 35. 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]

- 36. Temporary tree protection fencing shall be erected prior to commencement of any works along the western outermost boundary of the nominated Ecological Setback/Buffer Zone. Access within the tree protection zone shall be restricted (except where required to remove material/debris pursuant to conditions of this consent) and clear signage shall be attached to the tree protection fence indicating that vegetation is to be retained and protected. Temporary tree protection fencing shall meet the specifications detailed in the *Australian Standard AS 4970-2009 Protection of trees on development sites*.

[PCWNS01]

DURING CONSTRUCTION

- 37. 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]

- 38. 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]

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

[DUR0245]

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

[DUR0375]

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

[DUR0395]

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

[DUR0405]

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

[DUR0415]

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

Please note timber retaining walls are not permitted.

[DUR0835]

45. 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]

46. 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]

47. 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]
48. 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]
49. 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]
50. 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]
51. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
[DUR1945]
52. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.
[DUR2185]
53. Any debris, and/or building materials shall be removed from the nominated Ecological Setback/Buffer Zone prior to landscape works commencing.
54. Tree protection fencing shall be erected and kept in a sound and functional condition for the duration of the construction period unless otherwise approved by Council's General Manager or delegate.
55. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.
[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

56. 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]

57. 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]

58. 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:
13.8 Trips @ \$1176 per Trips \$9,737
(\$1,137 base rate + \$39 indexation)
(\$6,492 subtracted from total for commercial job creating developments)
S94 Plan No. 4
Sector6_4
- (b) Extensions to Council Administration Offices
& Technical Support Facilities \$381.34
0.20499 ET @ \$1860.31 per ET
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18

[POC0395]

59. The 3m wide aisle located between the southern boundary of the site and open storage sheds numbered 34 to 51 is to be clearly signed 'one way traffic only' prior to issue of the Occupation Certificate.

[POCNS01]

60. All landscaping work is to be completed and established in accordance with the approved plans prior to the issue of a final occupation certificate.

[POCNS01]

USE

61. 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]
62. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise. [USE0175]
63. Hours of operation of the business are restricted to the following hours:
- * 6am to 9pm - Seven days per week. [USE0185]
64. 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]
65. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer. [USE0245]
66. Boats shall not be stored on cradles or dry stacked within the storage facility. [USENS01]

AMENDMENT

P 100

Cr K Milne

Cr B Longland

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

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

The proposed development does not satisfy the provisions contained within:

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

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

Tweed Shire Local Environment Plan 2000:

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

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

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

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

ABSENT. DID NOT VOTE - Cr G Bagnall

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor (Minute No 100 refers)

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

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

ABSENT. DID NOT VOTE - Cr G Bagnall

A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS C BYRNE, CR W POLGLASE AND CR P YOUNGBLUTT.

- 16 [PR-PC] Development Application DA13/0267 for the Demolition of Existing Building and Construction of 3 Storey Multi-Dwelling Housing Development Incorporating 7 Units Plus Basement Parking at Lot 27 DP 21680 No. 42 Sutherland Street, Kingscliff

P 101

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
- B. Development Application DA13/0267 for the demolition of existing building and construction of 3 storey multi-dwelling housing development incorporating 7 units plus basement parking at Lot 27 DP 21680 No. 42 Sutherland Street Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:-
 - 01 - Basement/Carpark Plan dated 8/4/2014;
 - 02 - Ground Floor Plan dated 8/4/2014;
 - 03 - First Floor Plan dated 8/4/2014;
 - 04 - Second Floor Plan dated 8/4/2014;
 - 05 - Roof Plan dated 8/4/2014;
 - 06 - Elevations dated 8/4/2014;
 - 07 - Elevations dated 8/4/2014;
 - 08 - Sections dated 8/4/2014;

prepared by KAS Studio, except where varied by the conditions of this consent.

[GEN0005]

2. 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]

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

[GEN0265]

4. Waste management on the site shall be carried out in accordance with the approved Waste Management Plan prepared by Darryl Anderson Consulting Pty Ltd, project no: SFE12/77- November 2013.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

[PCC0485]

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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

(a) Vehicular access

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

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

[PCC0895]

7. Any sheet piling that utilises ground anchors that extend under public roads or land must not be used unless the applicant or owner enter into a contract regarding liability for the ground anchors and lodges an application under Section 138 of the Roads Act together with an application fee of \$10,000 and a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

The use of temporary or permanent ground anchors under the adjoining residential properties is not permitted.

[PCC0955]

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

(a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

(b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.

(c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

9. 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.

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.

[PCC1145]

10. 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]

11. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook"

except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP. Details are to be submitted with the S68 stormwater application.

[PCC1165]

12. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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.

[PCC1185]

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

[PCC1195]

14. Egress from the basement carpark is to be altered to comply with Part D of the Building Code of Australia.

[PCCNS01]

15. The design of the ramp into the basement carpark is to comply with AS2890.1 - Part 1 off street car parking, including grade transitions to avoid bottoming or scraping of vehicles. A compliant ramp in accordance with AS2890.1 is to be detailed in the application for a Construction Certificate.

[PCCNS02]

16. Prior to the issue of a Construction Certificate, an amended plan demonstrating that a minimum driveway head height of 2200mm is achieved, shall be submitted for approval by the Principal Certifying Authority.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

17. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

18. 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]

19. 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]

20. 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]

21. 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]

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

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

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

[PCW0255]

23. 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]

24. Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings / sites, infrastructure, roads and driveways are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site.

[PCW0775]

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

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

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

[PCW0985]

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

[PCW1065]

27. A piling management plan is to be provided prior to commencement of works to address the proposed construction/excavation/piling requirements for the proposed development. The plan is to address the following:

- a) Detail on the proposed piling method for the excavated basement carpark.
- b) The piling method is to address the impact of piling on adjoining and surrounding properties.
- c) Dilapidation reports for the surrounding properties prior to piling works.
- d) Predicted noise levels and mitigation measures to address both noise and vibration issues.
- e) Length of time for piling activities.
- f) Appointment of a community liaison officer to manage complaints from adjoining residents. Contact details of the community liaison officer are to be clearly provided on signage in a prominent position on the site safety fence.

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

29. 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]

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

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

[DUR0645]

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

[DUR0815]

33. 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]

34. 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]

35. 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]

36. 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 any use or occupation of the buildings. [DUR1875]
37. 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]
38. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.
 - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
 - (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au. [DUR2075]
39. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
40. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site. [DUR2185]
41. 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]
42. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

43. 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]

44. 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]

45. 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:
7.8 Trips @ \$1176 per Trips
(\$1,137 base rate + \$39 indexation)
S94 Plan No. 4
Sector6_4 | \$9,173 |
| (b) Open Space (Casual):
2.0848 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$1,132 |

(c)	Open Space (Structured): 2.0848 ET @ \$622 per ET (\$575 base rate + \$47 indexation) S94 Plan No. 5	\$1,297
(d)	Shirewide Library Facilities: 2.0848 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$1,747
(e)	Bus Shelters: 2.0848 ET @ \$64 per ET (\$60 base rate + \$4 indexation) S94 Plan No. 12	\$133
(f)	Eviron Cemetery: 2.0848 ET @ \$123 per ET (\$101 base rate + \$22 indexation) S94 Plan No. 13	\$256
(g)	Community Facilities (Tweed Coast - North) 2.0848 ET @ \$1389 per ET (\$1,305.60 base rate + \$83.40 indexation) S94 Plan No. 15	\$2,896
(h)	Extensions to Council Administration Offices & Technical Support Facilities 2.0848 ET @ \$1860.31 per ET (\$1,759.90 base rate + \$100.41 indexation) S94 Plan No. 18	\$3,878.37
(i)	Cycleways: 2.0848 ET @ \$473 per ET (\$447 base rate + \$26 indexation) S94 Plan No. 22	\$986
(j)	Regional Open Space (Casual) 2.0848 ET @ \$1091 per ET (\$1,031 base rate + \$60 indexation) S94 Plan No. 26	\$2,275
(k)	Regional Open Space (Structured): 2.0848 ET @ \$3830 per ET (\$3,619 base rate + \$211 indexation) S94 Plan No. 26	\$7,985

[POC0395/PSC0175]

46. 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 DSP5:	2 ET @ \$12575 per ET	\$25,150
Sewer Kingscliff:	2.5 ET @ \$6042 per ET	\$15,105

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]

47. 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.

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 a construction certificate. The contribution shall be based on the following formula:

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.6

[POC0715]

48. Upon completion of all works on the site and prior to the issue of an Occupation (including interim)/Subdivision Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads. The dilapidation reports shall take into consideration the findings of the original reports and provide to Council the written acceptance of the adjoining/adjacent owners confirming agreement that no damages have occurred/repairs carried out are acceptable.

[POC0825]

49. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

50. All car parking spaces are to be nominated as small parking spaces as required by Australian Standard AS2890.1 - Off street car parking, prior to the issue of an occupation certificate (including interim occupation certificate).

[POCNS01]

USE

51. Swimming pool pumps, 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 P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr G Bagnall

17 [PR-PC] Development Application DA13/0692 for a Two Lot Subdivision, Demolition of Existing Structures, Construction of Bulky Goods Retail (Masters) & Associated Infrastructure, Car Parking, Access & Landscaping as a Staged Development Pursuant to Clauses 83B & 83C of the EP&A Act at Part Lot 10 DP 1084319 Parkes Drive, Tweed Heads West

P 102

Cr W Polglase

Cr M Armstrong

RECOMMENDED that:

- A. Development Application DA13/0692 for a two lot subdivision, demolition of existing structures, construction of bulky goods retail (Masters) and associated infrastructure, car parking, access and landscaping as a staged development pursuant to Clauses 83B and 83C of the Environmental Planning and Assessment Act 1979 at Part Lot 10 DP 1084319 Parkes 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, subsequent supporting documentation and:
 - Plan No. DA-02 Job No. 2967 (Stage 1 Site Plan) prepared by Leffler Simes Architects and dated September 2013
 - Plan No. DA-03 Job No. 2967 (Stage 2 Site Plan) prepared by Leffler Simes Architects and dated September 2013
 - Plan No. DA-07 Job No. 2967 (Floor Plan) prepared by Leffler Simes Architects and dated September 2013
 - Plan No. DA-08 Job No. 2967 (Roof Plan) prepared by Leffler Simes Architects and dated September 2013
 - Plan No. DA-09 Job No. 2967 (Elevations) prepared by Leffler Simes Architects and dated September 2013
 - Plan No. DA-10 Job No. 2967 (Elevations) prepared by Leffler Simes Architects and dated September 2013
 - Plan No. DA-11 Job No. 2967 (Sections) prepared by Leffler Simes Architects and dated September 2013

except where varied by the conditions of this consent.

[GEN0005]

2. The proposed future Stage 3 component of the development must be the subject of a separate development consent and does not form part of this consent.

Any reference to a Stage 4 is indicative only and does not form part of this application.

[GEN0035]

3. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]

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

[GEN0115]

5. The development is to be carried out in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design and Construction Specifications.

[GEN0125]

6. 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]

7. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of 1.2 metres in height, prior to any construction of the fence being commenced.

Site specific design details or approved generic details prepared by a practicing structural engineer are required to be submitted and approved as part of the Construction Certificate application for Stage 2.

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

[GEN0145]

8. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.

[GEN0180]

9. Council advises that the land is subject to inundation in a 1 in 100 year event with a Design Flood Level of 2.6m AHD. Development of the site is subject to the provisions of Council's Consolidated DCP Section A3 *Development of Flood Liable Land*.

[GEN0195]

10. Structures proposed/identified within/over the easements on the land are not approved and are to be located external to the easement.

[GEN0255]

11. 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]

12. The development shall be undertaken in the following Stages.

Stage 1

- Creation of proposed Lots 1 & 2, including the construction and upgrading of associated civil infrastructure (as required by this consent).
- Registration of applicable easements to facilitate the short and long term integrated customer and service vehicle movements through the site and to legalise service requirements.

Stage 2

- Development of the Masters Home Improvement Store and associated Bulk Earthworks, internal infrastructure, car parking, access, landscaping and signage upon proposed Lot 1.

[GENNS01]

13. Stormwater management shall be generally provided in accordance with the Plan Titled "Stormwater & Earthworks Layout Plan", Drawing No. FIG 03, Revision A, prepared by Wood & Grieve Ltd, dated 26 November 2013, except where varied by the conditions of this consent.

[GENNS02]

14. Sewer reticulation (Stage 2)

- The sewer pump unit and rising mains for the development will be owned, maintained and operated by the property owner.
- The design of sewer pumping station shall comply with the Water Services Association (WSA) standards WSA02-2002-2.3 or WSA07-2007 for Pressure Sewerage.
- Pumps should be designed to pump a minimum of less than every 8 hours to reduce septicity in the pump well and rising mains.
- Pump system shall be sized for industrial/ commercial and not domestic requirements.
- At least 24 hours emergency storage capacity shall be provided within the system, or hours of storage equivalent to the operating hours of the commercial property per day.

[GENNS03]

15. Customer vehicles may enter the site via Parkes Drive or Wollemi Place, but must exit the site via Parkes Drive only.

Service vehicles must enter the development via Parkes Drive, but must exit the site via Wollemi Place only and not between the hours of 7.00am to 9.00am Monday to Saturday.

[GENNS04]

16. The height of any buildings or structures on the subject land shall not exceed the Obstacle Limitation Surface for Gold Coast Airport. The height of the building includes any above-roof elements such as signs, parapets, aeriels, architectural features and the like.

[GENNS05]

17. 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).

[GENNS06]

18. Intensity of any external illumination located in Zone B of the Lighting Zone Map shall not exceed the mandatory maximum level of 50 candella at 3° above the horizontal.

[GENNS07]

19. Intensity of any external illumination located in Zone A of the Lighting Zone Map shall not exceed the mandatory maximum level of 0 candella at 3° above the horizontal.

[GENNS08]

20. All fill material shall be from an approved source and free from any contamination.

[GENNS09]

21. The roof water/tank water supply shall not be utilised for potable purposes. Any tap stand or similar fixture which provides water sourced from the onsite water tank shall be provided with signs that indicate the water is not suitable for drinking purposes.

[GENNS10]

22. Air conditioning or sealed mechanical ventilation shall be provided to the office and training / staff room within the retail centre.

[GENNS11]

23. Prior to the commencement of any bulk earthworks or placement of services in the vicinity of the on-site detention ponds and identified existing asbestos and dieldrin contamination, site remediation and validation shall have been completed to the satisfaction of the General Manager or his delegate.

[GENNS12]

24. A restriction on the use of proposed Lot 2 pursuant to section 88E of the Conveyancing Act 1919 must be registered on the title to proposed Lot 2 at the same time that it is created in the following terms:

- No development that would involve a change of use on any of the land may be carried out unless the prior written approval of Tweed Shire Council is first obtained and in seeking such approval a Stage - 2 Detailed Investigation report, as referred to in the contaminated land planning

guidelines (being the guidelines under section 145C of the Environmental Planning and Assessment Act 1979) is supplied to the Council for consideration.

[GENNS13]

25. Existing vegetation along the southern boundary is to be retained and enhanced to maintain local habitat connectivity.

[GENNS14]

26. The approved signage does not include moving graphics or signage elements that flash, flicker or are animated in any way.

[GENNS15]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

27. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCC0045]

28. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate for Stage 2.

[PCC0055]

29. Stage 2 of the development shall provide 411 car parking spaces including a minimum of 8 car parking spaces for the disabled (unless agreed otherwise by Council) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and maneuvering 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 for Stage 2.

[PCC0065]

30. Prior to the issue of a Construction Certificate for each stage of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Principle Certifying Authority. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004). 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.

[PCC0125]

31. Prior to the issue of the Subdivision Certificate for Stage 1, 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 public infrastructure works associated with Stage 1, 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 for Stage 1 is issued.

[PCC0275]

32. 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 (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

33. Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17° (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan endorsed by Council. This Plan shall accompany the applicable Construction Certificate application.

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

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

[PCC0455]

34. Any Construction Certificate application associated with proposed retaining walls in excess of 1.2m in height shall include a certificate of adequacy of design, signed by a practising Structural Engineer in accordance with AS 4678 and Council's Development Design and Construction Specifications. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall, confirm that any proposed piers or foundations are located outside the zone of influence of any sewer main (as applicable) and be supported by Geotechnical assessment of the founding material.

Please note timber retaining walls are not permitted.

[PCC0475]

35. The site shall be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system for each stage of the development. The development must at no time result in additional ponding or runoff occurring onto neighbouring properties.

A plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a Construction Certificate for Stage 2. Catch drains shall be provided on the top side of all retaining walls in accordance with Council's Development Design Specification D6 - Site Regrading.

All earthworks and retaining walls shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with the applicable Construction Certificate application for Council approval.

[PCC0485]

36. A detailed Plan of Landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate for Stage 2. The landscaping plan shall incorporate Gold Coast Airport Pty Ltd preferred species list to discourage and avoid bat and bird attraction.

[PCC0585]

37. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements.

[PCC0735]

38. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate for Stage 1 of the development. Safe public access shall be provided at all times.

[PCC0865]

39. Prior to the issue of a Construction Certificate for Stage 2, 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, including (but not limited to) the construction of a new access off Parkes Drive and adjustment (as required) to the existing access of Wollemi Place, in accordance with Section A2 - "Site Access and Parking Code" of Council's Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design Specification June 2004.

Applications shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including (as applicable):

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

[PCC0895]

40. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for any retaining walls/footings/structures etc taking into consideration the zone of influence on any sewer mains or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a Construction Certificate for Stage 2.

[PCC0935]

41. 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]

42. Prior to the issue of a Construction Certificate for Stage 1 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 (as applicable to Stage 1), unless approved otherwise by Council:

- Earthworks
- Roadworks/furnishings

(c) Parkes Drive shall be upgraded from Sugarwood Drive to the western property boundary of the subject site to provide a 13m seal with barrier kerb and gutter, associated drainage and street lighting, compliant with Council's Industrial Access Road profile.

(d) Construction of a 1.2m wide concrete footpath along the entire frontage of the site to Parkes Drive.

- Stormwater drainage
- Water supply works

(e) Provision of a 150mm dia reticulation main from Kennedy Drive via Rose Street (on an alignment endorsed by Council) to service the proposed new lots, providing required peak demand and fire fighting flows.

- (f) Pipes and fittings shall be of ductile iron, cement lined.
- (g) The main must be located in compliance with the clearance requirements of WSA 03 - 2003 2.3 - Water Supply Code of Australia - Water Services Association of Australia, Table 4.1 - Clearances Between Water Mains And Other Underground Services.
- (h) Demonstrates that the required 150mm diameter water main servicing proposed Lot 2 can physically be located within the road reserve, most notably near the intersection of Parkes Drive and Sugarwood Drive.
 - Sewerage works
- (i) Provision of a reticulation system, providing individual service connections extending at least 1.0m inside each lot boundary.
- (j) Proposed Lot 2 shall be serviced via a sleeved sewer rising main located entirely within Lot 1. The associated Boundary Kit shall be located 1.0m inside Lot 1, unless agreed otherwise with Council.
- (k) The main must be located in compliance with the clearance requirements of WSA 02 - 2002 2.3 - Sewerage Code of Australia - Water Services Association of Australia, Table 4.2 - Clearances Between Sewers And Other Underground Services.
 - Landscaping works
 - Sedimentation and erosion management plans
 - Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), as well as details and locations of any significant, proposed electrical servicing infrastructure - such as transformers and substations
- (l) Including submission of electrical reticulation plans for any proposed infrastructure, clearly identifying the location of streetlights (on the opposite side to new water mains where achievable), underground cables and all other electrical infrastructure including transformers and substations.

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

[PCC0985]

43. The Construction Certificate Application for Stage 2 shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (a) 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*.

- (b) The stormwater and site works shall incorporate Water Sensitive Urban Design Principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
- (c) A shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
- (d) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be located within the development property boundary and sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of the Construction Certificate.
- (e) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.
- (f) Only GPT's endorsed by Council are acceptable.

[PCC1105]

44. A Construction Certificate application for Subdivision or Building 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 that 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]

45. 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".

A detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality* shall be submitted with each Construction Certificate Application.

[PCC1155]

46. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

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

[PCC1235]

48. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate for Stage 2 to discharge to Councils sewerage system.

[PCC1255]

49. Prior to the issue of a Construction Certificate for Stage 2, pursuant to Section 68 of the Local Government Act, 1993 any approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.

[PCC1265]

50. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

51. Prior to the issue of a Construction Certificate for Stage 2 the applicant is required to lodge an application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993 shall be accompanied by three copies of detailed hydraulic design report certified by a qualified hydraulic engineer and shall address the following criteria:

- (a) System type and specifications including pump-well volume, pump specifications and rising main size, length and location.
- (b) Details of operation and maintenance.

- (c) The sewer pump is to be constructed in a flood proof well with electrical equipment located above RL 2.6m AHD.

Any approval to install an on-site sewerage treatment system (private ejection pump station) shall comply with the hydraulic design specifications as certified by a qualified Hydraulic Engineer including all recommendations of that report and any addendum to the report to the satisfaction of Councils General Manager or his delegate.

[PCC1295]

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

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

[PCC1325]

53. Prior to issue of the relevant construction certificate an acid sulphate soil management plan shall be submitted to the satisfaction of the General Manager or his delegate. All work shall comply with the approved management plan.

[PCCNS01]

54. Prior to the issue of a construction certificate plans drawn to a scale of 1:50 detailing the following with regards to the cafe shall be provided to Council for assessment and approval, accompanied by a completed Application for Approval of Food Premise Fitout and the adopted fee in Council's Fees and Charges. Evidence of the plans being approved shall be provided prior to release of the construction certificate:

- a. Floor plan
- b. Layout of kitchen showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- d. Hydraulic design in particular method of disposal of trade waste
- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.

[PCCNS02]

55. Prior to the issue of a Construction Certificate, a Construction Waste Management Plan (WMP) shall be submitted to Council for assessment and approval. The WMP is to include:

- i. The type of waste generated during construction.
- ii. The method and location of waste storage on site.
- iii. How any recyclable materials will be managed.
- iv. The location of the disposal facility for residual waste.

[PCCNS03]

56. Prior to the issue of a Construction Certificate for Stage 2, consent from Roads and Maritime Services (RMS) is required for the installation of traffic signals at the intersection of Parkes Drive and Sugarwood Drive.

[PCCNS04]

57. Prior to the issue of a Construction Certificate for Stage 2, the Proponent must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services (RMS) for all road works associated with installation of the traffic signals at the intersection of Parkes Drive and Sugarwood Drive. The design of the signals to be installed will be part of the WAD process.

[PCCNS05]

58. Notwithstanding any other condition of this consent prior to the issue of the construction certificate for Stage 1 or prior to the issue of the subdivision certificate for Stage 1 if works are deferred a plan is to be submitted to Council for the approval by the General Manager or delegate demonstrating that the 150mm water main servicing proposed Lot 2, fronting proposed Lot 1 can be located within the Sugarwood Drive and Parkes Drive road reserves and written advice from the Roads and Maritime Services (RMS) is to be submitted to Council indicating their approval for the location of the 150mm water main within Sugarwood Drive.

[PCCNS06]

PRIOR TO COMMENCEMENT OF WORK

59. 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]

60. Prior to the commencement of works in any stage, 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]

61. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

62. 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]
63. 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]
64. 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]
65. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

66. Any imported fill material must be from an approved source. Prior to commencement of filling operations details of the source of any imported fill, must be submitted to and endorsed by 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 Occupation Certificate for Stage 2, if the required amount of fill exceeds 500m³.

[PCW0375]

67. Subdivision work for Stage 1 in accordance with a development consent must not be commenced until:

(a) a Construction Certificate for the Stage 1 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 SWAC 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 for Stage 1 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 Subdivision 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]

68. 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 for the Stage 1 Subdivision works.

[PCW0835]

69. 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]

70. A Dewatering Management Plan shall be prepared and submitted to Council's General Manager or his delegate for consideration and approval which details the following:

- * A site plan drawn to scale which indicates the extent of the excavation area and estimated zone of influence of the dewatering activity relative to any adjoining buildings together with an assessment of any impacts likely to occur to any adjoining buildings as a result of the dewatering activities.
- * The location to be indicated on the site plan of the area that will be utilised for the positioning of any treatment tank or sedimentation pond on the site including any reserve area to be used for such purpose in the event of the need for additional treatment facilities to be incorporated on the site.
- * Details of the proposed method of mechanical aeration to be used in the event that it is necessary to aerate the groundwater to achieve an acceptable Dissolved Oxygen level prior to the offsite discharge of groundwater and where this will be incorporated on the site.

- * The provision of written advice from the operator of any on site groundwater treatment system stating that the system to be used will be able to treat the groundwater to the required treatment level prior to discharge. Note. Particular attention is to be given to achieving the required detention times prior to discharge of the groundwater. Advice that the system is simply capable of achieving the necessary treatment will not be acceptable.
- * Addresses any potential contaminants as identified in the site contaminated land reports, quality of water within the on-site detention ponds and demonstrates suitability of discharge to the receiving waters.
- * All work shall comply with the approved plan.

[PCW1015]

71. 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]

72. Conditions of development consent do not guarantee Roads and Maritime Services (RMS) consent to the specific road works, for which it is responsible. The Developer must obtain authorisation from Roads and Maritime Services (RMS) in writing prior to the commencement of any road works for traffic signals at the intersection of Parkes Drive and Sugarwood Drive, including traffic management and temporary or permanent road works associated with the proposed development.

Authorisation to commence construction will only be granted when Roads and Maritime Services (RMS) is satisfied that all requirements under the Works Authorisation Deed (WAD) have been met by the Developer, including but not limited to, the applicable Roads and Maritime Services fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment and a road occupancy license.

Roads and Maritime Services (RMS) will issue a letter to the Developer advising of this authorisation.

[PCWNS01]

73. Prior to commencement of any building work (bulk earthwork or erection of structures) under Stage 2 further investigation of potential contamination of water and sediments within the on-site detention pond on Lot 1 shall be completed to the satisfaction of the General Manager or his delegate, and reported to Council.

[PCWNS02]

74. A remediation action plan (RAP) to the satisfaction of the General Manager or his delegate shall be submitted to Council prior to the commencement of any building work (bulk earthwork or erection of structures) under Stage 2. The RAP shall address potential contaminants including asbestos, water quality and sediments within the on-site detention ponds and soils treated with Dieldrin.

[PCWNS03]

75. Prior to the commencement of any building work (bulk earthwork or erection of structures) under Stage 2 a contaminated land validation from a suitably qualified person shall be provided to Council to the satisfaction of the General Manager or delegate which confirms the site (proposed Lot 1) has been remediated and is suitable for the proposed use. The statement shall include details of remediation works undertaken.

[PCWNS04]

DURING CONSTRUCTION

76. All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, approved Construction Certificates, drawings and specifications.

[DUR0005]

77. 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]

78. 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]

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

[DUR0225]

80. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Councils General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Councils General Manager or his delegate prior to installation and shall include a water sampling outlet.
[DUR0235]
81. 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]
82. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.
[DUR0255]
83. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Assessment, CRG Acoustical, 19 November 2013 (CRGREF:13183a report).
[DUR0275]
84. The development shall meet the building construction requirements of Australian Standard AS 2021 (*Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*).
[DUR0285]
85. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the *Environmental Noise Impact Assessment, CRG Acoustical, 19 November 2013 (CRGREF:13183a report)*, 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]
86. 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]
87. 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]
88. 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.

Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0405]

89. 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]

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

[DUR0445]

91. 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]

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

[DUR0675]

93. Any undertaken 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 and is suitable for the intended development shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

95. 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]

96. 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 for Stage 1 works and prior to the issue of / an Occupation Certificate for Stage 2 of the development.

[DUR0995]

97. All work associated with this approval is to be carried out so as not to adversely 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]

98. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

99. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Councils Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation.

[DUR1575]

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

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

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

[DUR1635]

101. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

102. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

103. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

104. A 1.2m wide concrete footpath is to be constructed on a compacted base along the entire frontage of the site to Parkes Drive in accordance with Council's Development Design and Construction Specifications and Standard Drawing SD013.

24 hours notice is to be given to Council's Engineering Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

105. 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]

106. 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]

107. During the road construction for Stage 1, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

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

[DUR1825]

108. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

[DUR1855]

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

[DUR1885]

110. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections for the Stage 1 works in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

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 Stage 1 Subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate' for Stage 1 of the development.

[DUR1895]

111. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR1925]

112. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains, unless approved otherwise by Council.

[DUR1945]

113. 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 Certificate for Stage 2.

[DUR1955]

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

[DUR2185]

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

[DUR2315]

116. Any installed stormwater gully lintels intended to be dedicated as public infrastructure shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

117. 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 associated maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

118. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act, including receipt of a "satisfactory inspection report" 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]

119. 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]

120. 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]

121. 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]

122. 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]

123. 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]

124. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

125. Unless accepted otherwise by Council, no portion of any structure may be erected within any easement for public infrastructure over the subject site (or within 1.5m of the public infrastructure) unless it is designed and sited outside of the zone of influence of any public infrastructure, complies with Council's "Sewers - Work in Proximity" policy and is approved by Council.

[DURNS01]

126. Any aisle length associate with the Stage 2 car park in excess of 100m in length shall include vehicle speed bumps generally in accordance with AS2890.1 : 2004 - Parking Facilities - Off Street Car Parking.

[DURNS02]

127. A sleeved sewer rising main within the property boundary of Lot 1 will be required to service Lot 2, including the creation of an easement over the private sewer main.

[DURNS03]

128. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011.

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

129. 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]

130. 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]

131. 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]

132. 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 Stage 2 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:
436.6148 Trips @ \$853 per Trips \$372,432
(\$815 base rate + \$38 indexation)
S94 Plan No. 4
Sector1_4

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

(b) Extensions to Council Administration Offices & Technical Support Facilities

6.5174 ET @ \$1880.38 per ET	\$12,255.19
(\$1,759.90 base rate + \$120.48 indexation)	
S94 Plan No. 18	

[POC0395]

133. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

134. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

135. 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 for Stage 2 of the development have been made with the Tweed Shire Council.

Prior to the occupation of the Stage 2 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:	12.79592 ET @ \$12907 per ET	\$165,156.90
Sewer Tweed Heads:	19.95592 ET @ \$6201 per ET	\$123,746.60

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]

136. 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]

137. Prior to the issue of an occupation certificate written validation shall be provided to the principal certifying authority from a suitably qualified person certifying that the building elements installed in the office, staff/training rooms and retail centre satisfy the minimum 'acoustic treatments' (Rw value) identified in the recommendations of the report - *Environmental Noise Impact Assessment, CRG Acoustical, 19 November 2013 (CRGREF:13183a report)*.

[POCNS01]

138. Prior to the issue of an occupation certificate written validation shall be provided to the principal certifying authority from a suitably qualified person which certifies that the development complies with the recommendations under table 6.0 of the *Environmental Noise Impact Assessment, CRG Acoustical, 19 November 2013 (CRGREF:13183a report)* - *acoustic barrier, road surface coatings, mechanical plant, rooftop plant and attenuators*.

[POCNS02]

139. Prior to issue of an Occupation Certificate for the Masters development of proposed Lot 1, documentary evidence shall be provided to Council to confirm registration with Land & Property Information - NSW Government of the Deposited Plan associated with the Subdivision Certificate of Stage 1 of the development.

[POCNS03]

140. Prior to issue of an Occupation Certificate for Stage 2, certification shall be submitted to the Principle Certifying Authority from a suitably qualified geotechnical/structural engineer, certifying that any constructed retaining structures in excess of 1.2m on the site have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

[POCNS04]

141. Prior to the issue of an Occupation Certificate (interim or final) for Stage 2, all civil/subdivision works associated with Stage 1 must have been completed to practical completion, as determined applicable by the Principle Certifying Authority.

[POCNS05]

142. Prior to the issue of an Occupation Certificate (interim or final) for Stage 2 or commencement of the approved use, the Proponent shall complete all road works under the agreed Works Authorisation Deed (WAD) to practical completion, as determined by Roads and Maritime Services (RMS). All works shall be undertaken at full cost to the Proponent, to the satisfaction of the Roads and Maritime Services (RMS).

[POCNS06]

143. Prior to the issue of an Occupation Certificate (interim or final) for Stage 2, appropriate signage shall be erected internally to advise customers that vehicles cannot exit the development via Wollemi Place.

[POCNS07]

144. Prior to the issue of an Occupation Certificate for Stage 2, 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 specifications and requirements of Planning for Bush Fire Protection 2006 in accordance with Section 79BA of the Environmental Planning and Assessment Act 1979.

[POCNS08]

USE

145. 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]

146. 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]

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

[USE0175]

148. Hours of operation of the business are restricted to 6.00am to 10.00pm 7 days.

[USE0185]

149. All deliveries to the premises and waste collection are to occur only within the hours of 7.00am to 6.00pm.
[USE0195]
150. 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]
151. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.
[USE0245]
152. Any vehicles that remain on site for periods in excess of two minutes are required to switch off their engines.
[USE0255]
153. The use being restricted to the floor area designated on the approved plan.
[USE0415]
154. All loading/unloading to take place within the boundary of the subject property.
[USE0525]
155. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.
[USE0835]
156. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
[USE1455]
157. The development shall be constructed and operated in accordance with the Recommended Acoustic Treatments identified under table 6.0 of the *Environmental Noise Impact Assessment, CRG Acoustical, 19 November 2013 (CRGREF:13183a report)*. In particular the time restriction over hours of operation, trolley collection, waste collection, deliveries and use of the southern service road prior to 7am and after 6pm shall be strictly observed.
[USENS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

158. Prior to issue of a Subdivision Certificate for Stage 1 of the development, all works/actions/inspections etc required by other conditions or approved Management Plans or the like applicable to Stage 1 shall be completed in accordance with those conditions or plans.
[PSC0005]

159. Prior to the issue of a Subdivision Certificate for Stage 1 of the development, 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 public infrastructure works associated with Stage 1 (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]

160. Prior to the issue of a Subdivision Certificate for Stage 1, a Performance Bond equal to 25% of the contract value of the footpath construction works associated with Stage 1 shall be lodged for a period of 3 years.

[PSC0225]

161. For landscaping associated with Stage 1 a A bond to ensure acceptable Plant Establishment and Landscaping Performance at time of handover to Council shall be lodged by the Developer prior to the issue of the Subdivision Certificate for Stage 1.

The bond shall be held by Council for a period of 12 months from the date of issue of the Subdivision Certificate and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping for Stage 1 or \$3000, whichever is the greater.

[PSC0235]

162. Prior to the issue of a Subdivision Certificate for Stage 1 of the development, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that any placed fill for Stage 1 has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for its intended purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

163. All approved landscaping requirements for Stage 1 must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate for Stage 1. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.

[PSC0485]

164. Any damage to property (including pavement damage) associated with the Stage 1 works is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate for Stage 1. 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]

165. Prior to the issue of a Subdivision Certificate for Stage 1, Work as Executed Plans for the civil works constructed as part of Stage 1 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]

166. A Subdivision Certificate for Stage 1 of the development will not be issued by the General Manager until such time as all conditions of this Development Consent applicable to Stage 1 have been complied with.

[PSC0825]

167. 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) Easements to facilitate the short and long term integrated customer and service vehicle movements through the site.
- (c) Restriction on Use on both Lot 1 and 2 that only service vehicles can exit the site via Wollemi Place and not between the hours of 7.00am to 9.00am.
- (d) Positive Covenant over Lot 1 for the installation and operational maintenance of private sewer rising main servicing Lot 2.
- (e) Restrictive covenant on Lot 2 to the effect that no building, engineering or construction work may be carried out on the Lot until such time as the subdivision works set out in the relevant conditions of Development Consent DA13/0692 have been completed to Council's General Manager or his delegate's satisfaction.

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]

168. Prior to the issue of a Subdivision Certificate for Stage 1 of the development, submission of an appropriate plan indicating the street/road address number to both proposed lots shall be made to Council's Property Officer for approval. 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]

169. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) covering works associated with Stage 1 of the development and submitted to Council with the application for Subdivision Certificate for Stage 1.

[PSC0855]

170. Prior to registration of the plan of subdivision for Stage 1 of the development, 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]

171. Prior to the application for a Subdivision Certificate for Stage 1 of the development, a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following works associated with that stage:

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

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
 2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".
[PSC0915]
172. The six months Defects Liability Period for the subdivision works associated with Stage 1 commences upon the registration of the Plan of Subdivision for Stage 1.
[PSC0925]
173. Prior to the issue of a Subdivision Certificate and also prior to the end of Defects Liability Period for Stage 1 of the development, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed in that stage and intended to be dedicated to Council (including joints and junctions) will be required to demonstrate that the standard of the infrastructure is acceptable to Council.
- Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.
- All costs associated with the CCTV inspection and repairs shall be borne by the applicants.
[PSC1065]
174. Prior to issuing a Subdivision Certificate for Stage 1 of the development, reticulated water supply and outfall sewerage reticulation (including service 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.
- Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP - Section A5 - Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.
- 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]

175. Prior to issuing a Subdivision Certificate for Stage 1 of the development, the Applicant shall submit to Council written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of all allotments has been completed.

[PSC1165]

176. Electricity

- (a) Prior to issuing a Subdivision Certificate for Stage 1 of the development, the Applicant shall submit to Council written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes the provision of fully installed electric street lights along the development's frontage to Parkes Drive to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

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

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

[PSC1185]

177. A Subdivision Certificate must not be issued for Stage 1 of the development unless:

- a) The subdivision work specified in the schedule below has been completed, or
- b) A written agreement has been reached and entered into between the Applicant for the Subdivision Certificate and the Council:
- i. As to the payment by the Proponent to the Council of the cost of carrying out the subdivision work specified in the schedule below that is to be completed by the Council and as to when the said work will be completed by the Council, and
- ii. As to the security to be given by the Proponent to the Council with respect to the subdivision work specified in the schedule below that is to be completed by the Proponent and as to when the said work will be completed by the Proponent.

SCHEDULE OF SUBDIVISION WORK to be carried out by the Proponent

- (a) Water Supply
- Construction of 150mm Ductile Iron Cement Lined water main from the southern boundary of Banksia Street to service all lots created

including provision of tapings for services and reconnect 50m water main and existing services if necessary.

- (b) Sewer Reticulation
 - Construction of private sewer rising main from Lot 2 to manhole at north-west corner of Banksia and Rose Street intersection within a new easement or Positive Covenant (as applicable) dedicated to Lot 2 within Lot 1 and not within the existing Council easement.
 - Works associated with any additional sewerage requirements for provision of sewer at Lot 1.
- (c) Upgrade of Parkes Drive, including associated drainage, street lighting and the construction of a 1.2m wide concrete footpath along the entire frontage of the site to Parkes Drive.

SCHEDULE OF SUBDIVISION WORK to be carried out by the Council (paid for by the Proponent)

- (d) Water Supply
 - Construction of 150mm Ductile Iron Cement Lined water main in Rose Street from Kennedy Drive to northern boundary of Banksia Street near Wollemi Place including connection to appropriate mains in Kennedy Drive.

[PSCNS01]

178. The written agreement between the Council and the Proponent for the Stage 1 Subdivision Certificate shall incorporate provisions relating to:
- (a) The timing of payment to the Council for the work to be carried out by the Council. Council require payment to be made upon execution of the agreement and before the Subdivision Certificate is issued.
 - (b) The timing for completion of the relevant subdivision work that is to be carried out by the Council.
 - (c) The timing for completion of the relevant subdivision work that is to be carried out by the Applicant
 - (d) The enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer. The bond shall be provided upon execution of the agreement and before the issue of the Subdivision Certificate.
 - (e) The breaches of the agreement that would entitle the Council to realise and use the funds from the security.
 - (f) The resolution of disputes under the agreement.
 - (g) Ensuring that the obligations under the agreement are passed on to any new owner of the land so that the agreement remains binding on and enforceable against, the owner of the land from time to time.

- (h) The imposition of a restrictive covenant on proposed Lot 2 to the effect that no building, engineering or construction work may be carried out on the Lot until such time as the subdivision works set out in the relevant condition of the development consent have been completed.

[PSCNS02]

179. Should the Proponent defer Stage 1 (prior to issue of subdivision certificate) Civil works to Stage 2 (prior to issue of occupation certificate), all applicable Stage 1 conditions shall apply to Stage 2. The applicant will thus be required to obtain a Construction Certificate for these works and pay applicable compliance bonds together with Long Service Levy. In that case, Council shall acknowledge that the required works are applicable to Stage 2.

[PSCNS03]

180. Notwithstanding any other condition of this consent prior to the issue of the construction certificate for Stage 1 or prior to the issue of the subdivision certificate for Stage 1 if works are deferred a plan is to be submitted to Council for the approval by the General Manager or delegate demonstrating that the 150mm water main servicing proposed Lot 2, fronting proposed Lot 1 can be located within the Sugarwood Drive and Parkes Drive road reserves and written advice from the Roads and Maritime Services (RMS) is to be submitted to Council indicating their approval for the location of the 150mm water main within Sugarwood Drive.

GENERAL TERMS OF APPROVAL UNDER SECTION 116 OF THE WATER ACT 1912 (Licence to commence sinking a bore to enlarge, deepen or alter a bore)

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject o this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

7. All vegetation clearing must be authorized under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for the purpose of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
 1. Inspecting the said work; and
 2. Taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the Protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.

18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
 19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the Council's sewerage treatment system.
 20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
 21. The work shall be managed in accordance with the constraints set out in a Dewatering Management Plan approved by the Department.
 22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.
- B. Council executes and affixes the Common Seal of Council to the binding Deed of Agreement covering the deferral of Stage 1 subdivision works as required by Draft Condition No. 177.

The Motion was **Carried**

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

18 [PR-PC] Class 1 Appeal - 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 103

Cr P Youngblutt
Cr B Longland

PROPOSED that Council's solicitors be engaged to negotiate consent orders or a Section 34 Agreement for 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.

AMENDMENT

P 104

Cr M Armstrong
Cr K Milne

RECOMMENDED that Council engages its' Solicitors and suitable consultants to defend the appeal.

SUSPENSION OF STANDING ORDERS

P 105

**Cr B Longland
Cr W Polglase**

RESOLVED that Standing Orders be suspended to deal with Item 18 in confidential session.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

RESUMPTION OF STANDING ORDERS

P 106

**Cr B Longland
Cr M Armstrong**

RESOLVED that Standing Orders be resumed to deal with the remainder of the ordinary agenda.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

19 [PR-PC] Swimming Pool Barrier Inspection Program Policy

P 107

**Cr P Youngblutt
Cr M Armstrong**

RECOMMENDED that Council adopts the Swimming Pool Barrier Inspection Program Policy Version 1.1.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

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

P 108

**Cr K Milne
Cr M Armstrong**

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

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall***

CONFIDENTIAL COMMITTEE

P 109

**Cr B Longland
Cr P Youngblutt**

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 G Bagnall***

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 110

RECOMMENDED that the recommendations of the Confidential Committee be adopted.

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

RECOMMENDED that Council, in respect of the unauthorised works and land use at Lot 1 DP 613261 No. 572 Cudgen Road, Cudgen endorses the following:

1. The recommended compliance actions contained within this report;
2. Council officers to write to both the site owners and the complainant outlining Council's approved compliance actions; and
3. A further report be prepared for consideration at 7 August 2014 Planning Committee Meeting providing an update of the progress of Council's compliance actions.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

C2 [PR-PC] Compliance Matters in Relation to Various Murwillumbah Properties

RECOMMENDED that the report on compliance matters in relation to various Murwillumbah properties be received and noted.

The Motion was **Carried**

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

Cr G Bagnall attended the meeting at 05:50 PM

ITEM MOVED FROM ORDINARY TO CONFIDENTIAL

18 [PR-PC] Class 1 Appeal - 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

AMENDMENT (from Ordinary Planning Committee Meeting)

RECOMMENDED that Council engages its' Solicitors and suitable consultants to defend the appeal.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No PC9 refers)

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

There being no further business the Planning Committee Meeting terminated at 6.01pm.

↑ ○