

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

User Instructions

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Action Item - COUNCIL MEETING Thursday, 20 March 2014

Action is required for Item **39** as per the Council Resolution outlined below.

TITLE: [NOM] Development Application DA12/0170.04 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos. 26- 28 Tweed Coast

NOTICE OF MOTION:

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:

1. Insert Condition No. 1.1 which reads as follows:

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

- *Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
- *Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
- *First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;*
- *Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;*
- *Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;*
- *North Elevation, S96 07, Revision G, dated 23/10/2013;*
- *South Elevation, S96 08, Revision G, dated 23/10/2013;*
- *East Elevation, S96 09, Revision G, dated 23/10/2013;*
- *West Elevation, S96 10, Revision G, dated 23/10/2013;*
- *Section A, S96 11, Revision G, dated 23/10/2013;*
- *Section B, S96 12, Revision G, dated 23/10/2013;*
- *Section C, S96 13, Revision G, dated 23/10/2013;*

All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.

2. Delete Condition No. 1A and replace it with Condition No. 1B which reads as follows:

1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- Construction of new covered entry including common amenities;
- Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;
- Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
- Conversion of room 6 and adjoining storage space into new kitchen store and communal lounge room;
- Renovation of existing serviced apartment and existing rooms 7 through 12 (identified as rooms 6 through 11 pm proposed plans) including room and balcony enlargement;
- Conversion of rooms 14 and 15 into a second serviced apartment;
- Renovation of existing external staircase access upgraded to comply with the Building Code of Australia (BCA)
- Construction of outdoor food and beverage service area;
- Construction lounge, bar and outdoor bar area;
- Construction of external bin storage area, equipment store and new at grade car parking;
- Partial site landscaping;
- Renovation of existing stair access to foreshore reserve; and
- Retention and renovation of existing swimming pool.

Stage 2:

- Construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and
- Partial site landscaping.

Stage 3:

- Construction of new caretakers dwelling, storeroom, common amenities and multipurpose space.

3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.

4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.

5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.

6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

23A. 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 plan and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required work:

- (a) Vehicular access: construction of two (2) vehicular footpath crossings.*
- (b) Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road*

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. Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:

29A. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of

intrusive noise is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.

8. Delete Condition No. 69.
9. Delete Condition No. 89 and replace it with Condition No. 89A which reads as follows:

89A. The outdoor food and beverage service area is to be constructed as a separate structure and be demountable or relocatable.

10. Delete Condition No. 93 and replace it with Condition No. 93A which reads as follows:

93A. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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 1

- | | |
|--------------------------------------|----------|
| (a) Tweed Road Contribution Plan: | |
| 12.92 Trips @ \$1186 per Trips | \$15,323 |
| (\$1145 base rate + \$41 indexation) | |
| S94 Plan No. 4 | |
| Sector7_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:-

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- | | | |
|-----|--|-----------|
| (b) | Open Space (Casual):
2.1 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$1140 |
| (c) | Shirewide Library Facilities:
2.1 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$1760 |
| (d) | Community Facilities (Tweed Coast - North)
2.1 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$2917 |
| (e) | Extensions to Council Administration Offices
& Technical Support Facilities
2.1 ET @ \$1860.31 per ET
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$3906.65 |
| (f) | Regional Open Space (Casual)
2.1 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$2291 |

Stage 2

- | | | |
|-----|--|---------|
| (a) | Tweed Road Contribution Plan:
12.4 Trips @ \$1186 per Trips
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4 | \$14706 |
|-----|--|---------|

Sector7_4

Heavy Haulage Component

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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 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

- | | |
|---|--------|
| (b) Open Space (Casual):
6.5 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$3530 |
| (c) Shirewide Library Facilities:
6.5 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$5447 |
| (d) Community Facilities (Tweed Coast - North)
6.5 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$9029 |
| (e) Extensions to Council Administration Offices
& Technical Support Facilities
6.5 ET @ \$1860.31 per ET 2.02
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$1209 |
| (f) Regional Open Space (Casual)
6.5 ET @ \$1091 per ET | \$7092 |

(\$1031 base rate + \$60 indexation)
S94 Plan No. 26

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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 for Stage 1 (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:

Stage 1

Water DSP6:	2.3612 ET @ \$12575 per ET	\$29,692.10
Sewer Hastings Point:	3.8827 ET @ \$6042 per ET	\$23,459.30

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

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]

12. Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:

107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed

Development Control Plan B25 this consent is subject to the owner of the subject land PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE creating a positive covenant under section 88E of the (*Conveyancing Act, 1919*) on the following terms:

- “(i) *The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed Development Control Plan B25 or any other subsequent iteration of that planning instrument.*
- (ii) *The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:*
- a. *In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.*
 - b. *The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.*
 - c. *The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25”.*
13. Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:
- 111A. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) 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.
14. Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:
- 113A Hours of operation of the business are restricted to the following:
- Enclosed Dining/Lounge/Bar areas and Outdoor Bar – 7am to 10pm Sunday to Wednesday and 7am to 12 midnight Thursday, Friday, Saturday, and gazetted NSW Public Holidays, and any Sunday immediately before gazetted NSW Public Holidays that occur on the Monday.

- Outdoor facilities, including pool and BBQ - 7am to 10pm Monday to Sunday. This shall be for a trial basis for a period of twelve (12) months from the commencement of use and a report be brought back to Council at the conclusion of the trial period.
15. Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:

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

1. The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:
 - Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
 - Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;
 - First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;
 - Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;
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 - East Elevation, S96 09, Revision G, dated 23/10/2013;
 - West Elevation, S96 10, Revision G, dated 23/10/2013.

Asset Protection Zones

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

2. At the commencement of building works and in perpetuity the 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 documents 'Standards for asset protection zones'.

Water and Utilities

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

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'

Evacuation and Emergency Management

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

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'

Design and Construction

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

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.
9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Landscaping

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

General Advice – consent authority to note

Bushfire-Resisting Timber

- The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

The Motion was **Carried**

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

Agenda Report

TITLE: [NOM] Development Application DA12/0170.04 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos. 26- 28 Tweed Coast

NOTICE OF MOTION:

Councillor P Youngblutt moves that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:

1. Insert Condition No. 1.1 which reads as follows:

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

- *Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
 - *Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
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 - *Section B, S96 012, Revision G, dated 23/10/2013;*
 - *Section C, S96 13, Revision G, dated 23/10/2013;*
- All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.*

2. Delete Condition No. 1A and replace it with Condition No. 1B which reads as follows:

1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- **Construction of new covered entry including common amenities;**
- **Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;**

- Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
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Stage 2:

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Stage 3:

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3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.

4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.

5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.

6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

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- (a) Vehicular access: construction of two (2) vehicular footpath crossings.**
- (b) Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road**

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. Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:

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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 1

(a)Tweed Road Contribution Plan:

12.92 Trips @ \$1186 per Trips	\$15,323
(\$1145 base rate + \$41 indexation)	
S94 Plan No. 4	
Sector7_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:-

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

where:

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

and:

Prod.	projected demand for extractive material to be hauled to the site over life of project in tonnes	
Dist.	average haulage distance of product on Shire roads (trip one way)	
\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)	
Admin.	Administration component - 5% - see Section 6.5	

(b) Open Space (Casual):		
2.1 ET @ \$543 per ET		\$1140
(\$502 base rate + \$41 indexation)		
S94 Plan No. 5		
(c) Shirewide Library Facilities:		
2.1 ET @ \$838 per ET		\$1760
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S94 Plan No. 11		
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2.1 ET @ \$1389 per ET		\$2917
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S94 Plan No. 15		
(e) Extensions to Council Administration Offices & Technical Support Facilities		
2.1 ET @ \$1860.31 per ET		\$3906.65
(\$1759.9 base rate + \$100.41 indexation)		
S94 Plan No. 18		
(f) Regional Open Space (Casual)		
2.1 ET @ \$1091 per ET		\$2291
(\$1031 base rate + \$60 indexation)		
S94 Plan No. 26		

Stage 2

(a) Tweed Road Contribution Plan:		
12.4 Trips @ \$1186 per Trips		\$14706
(\$1145 base rate + \$41 indexation)		
S94 Plan No. 4		
Sector7_4		

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- | | | |
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6.5 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$5447 |
| (d) | Community Facilities (Tweed Coast - North)
6.5 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$9029 |
| (e) | Extensions to Council Administration Offices
& Technical Support Facilities
6.5 ET @ \$1860.31 per ET \$12092.02
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | |
| (f) | Regional Open Space (Casual)
6.5 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$7092 |

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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 for Stage 1 (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:

Stage 1

Water DSP6:	2.3612 ET @ \$12575 per ET	\$29,692.10
Sewer Hastings Point:	3.8827 ET @ \$6042 per ET	\$23,459.30

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

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]

12. Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:

107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed Development Control Plan B25 this consent is subject to the owner of the subject land **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE** creating a positive covenant under section 88E of the (*Conveyancing Act, 1919*) on the following terms:

- “(i) *The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed*

Development Control Plan B25 or any other subsequent iteration of that planning instrument.

- (ii) ***The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:***
- a. ***In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.***
 - b. ***The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.***
 - c. ***The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25".***
13. **Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:**
- 111A. **The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) 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.**
14. **Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:**
- 113A **Hours of operation of the business are restricted to the following:**
- **Enclosed Dining/Lounge/Bar areas and Outdoor Bar - 7am to 12 midnight Monday to Sunday.**
 - **Outdoor facilities, including pool and BBQ - 7am - 10pm Monday to Sunday.**
15. **Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:**

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

1. The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:
 - Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
 - Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;
 - First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;
 - Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;
 - Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;
 - North Elevation, S96 07, Revision G, dated 23/10/2013;
 - South Elevation, S96 08, Revision G, dated 23/10/2013;
 - East Elevation, S96 09, Revision G, dated 23/10/2013;
 - West Elevation, S96 10, Revision G, dated 23/10/2013.

Asset Protection Zones

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

2. At the commencement of building works and in perpetuity the 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 documents 'Standards for asset protection zones'.

Water and Utilities

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

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'

Evacuation and Emergency Management

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

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'

Design and Construction

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

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.
9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Landscaping

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

General Advice – consent authority to note

Bushfire-Resisting Timber

- The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.
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Management Comments:Delivery Program:**Civic Leadership****LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- | | |
|-------|---|
| 1 | Civic Leadership |
| 1.1 | Ensure actions taken and decisions reached are based on the principles of sustainability |
| 1.1.1 | Establish sustainability as a basis of shire planning and Council's own business operations |
-

Budget/Long Term Financial Plan:

N/A

Legal Implications:

The determination of this DA by Council may be subject to a third party legal challenge, or Class 1 appeal by the applicant in the Land and Environment Court.

Policy Implications:

N/A
