



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

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

# Minutes

## **Ordinary Council Meeting Thursday 7 May 2015**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

## COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 5.57pm.

### **IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr Danny Rose (Manager Roads and Stormwater), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance) and Ms Ann Mesic (Minutes Secretary).

### **APOLOGIES**

Attendee **Cr P Youngblutt** has informed the General Manager that his absence is caused by illness.

Attendee **Cr M Armstrong** has informed the General Manager that his absence is caused by personal reasons.

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**Cr K Milne**  
**Cr B Longland**

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

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr K Milne, Cr G Bagnall, Cr W Polglase**

**AGAINST VOTE - Cr C Byrne**

**ABSENT. DID NOT VOTE - Cr M Armstrong, Cr P Youngblutt**

### **DISCLOSURE OF INTEREST**

Nil.

**ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL – CONFIDENTIAL TO ORDINARY**

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**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that Item 2 [E-CM] The City Slider Event on Boundary Street be considered in Confidential session due to its Confidential Nature in accordance with the Local Government Act 1993 Clause 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr M Armstrong, Cr P Youngblutt**

**CONFIRMATION OF PLANNING COMMITTEE MINUTES**

- 1 [CONMIN] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 7 May 2015**

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**Cr C Byrne  
Cr K Milne**

**RESOLVED** that the recommendations of the Ordinary Planning Committee Meeting held Thursday 7 May 2015 be adopted.

- 2 [PR-PC] Development Application DA14/0384 for a 21 Lot Subdivision - Staged Development at Lot 1 DP 1077697 No. 768-770 Casuarina Way, Casuarina**

**RECOMMENDED** that a new Part B be inserted after Part A and the current Part B be renumbered to Part C:

- A. State Environmental Planning Policy No. 1 objection to Clause 21A(2)(a) of Tweed Local Environmental Plan 2000 regarding minimum lot size be supported.
- B. Deferred Commencement

This consent shall not take effect until the applicant has consulted with the owners of Lots 2 and 3 DP 1077697 and has submitted plans and information to the satisfaction of the Director Planning and Regulation to indicate a revised driveway design and construction for these properties. All costs associated with the design and construction of these works shall be borne by the proponent of this development.

- C. Development Application DA14/0384 for a 21 lot subdivision - staged development at Lot 1 DP 1077697 No. 768-770 Casuarina Way, Casuarina be approved subject to the following conditions:

GENERAL

1. The development shall be carried out in three stages as follows:
  - Stage 1  
10 Lot subdivision and the creation of a stormwater detention basin allotment; and,
  - Stage 2  
10 Lot subdivision of the residual allotment created under Stage 1 works; and,
  - Stage 3  
Two Lot subdivision of the residual allotment created under Stage 2 works.

The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:

- Stage 1 Plan (Drawing No. HEALTHRETREAT\_PROPOSED\_STAGE01 Rev 5) prepared by Planit Consulting and dated January 2015;
- Stage 2 Plan (Drawing No. HEALTHRETREAT\_PROPOSED\_STAGE02 Rev 5) prepared by Planit Consulting and dated January 2015;
- Stage 3 Plan (Drawing No. HEALTHRETREAT\_PROPOSED\_STAGE03 Rev 5) prepared by Planit Consulting and dated January 2015;
- Road and Drainage Plan (Drawing No. 0003 Rev. F) prepared by WGM Consulting and dated 17 April 2015, as amended in red;
- Cut/Fill Plan (Drawing No. 0006 Rev. D) prepared by WGM Consulting and dated 17 April 2015, as amended in red; and
- Proposed Fire Trail Access (Drawing No. HEALTHRETREAT\_PROPOSED\_FIRETRAIL Rev 00) prepared by Planit Consulting and dated March 2015,

- Cotton Beach Intersection Layout (Drawing No. P1768 sheet 1 Version A) prepared by Bitzios Consulting and dated 25 March 2015,

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

[GEN0115]

4. 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]

5. 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]

6. 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]

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

[GEN0255]

8. The development shall be carried out in accordance with the recommendations of the Environmental Noise Impact Assessment (crgref: 14160 Report) (Section 6) prepared by CRG Acoustical Consultants dated 24 September 2014.

[GENNS01]

9. Lot 19 shall be connected to sewer by a private sewage ejection pump station. The developer shall provide an appropriate connection for this pump station in accordance with Council's Standard Drawing S.D.263. The pump station is to be installed by the owner of the lot when required for subsequent development at which time an application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for the installation and operation of the pumping station.

10. As the Water Supply Authority under the Water Management Act 2000; the water supply and sewerage system information outlined in the Tweed Shire Council Development Design Specifications shall be to be submitted to Council's General Manager or his delegate for approval prior to the issue of a Construction Certificate.
11. Any future development of this site will require an updated civil work plan to be submitted be approved by the General Manager or his delegate for approval prior to construction. The plans 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 and sewer works.

[GENNS02]
12. The intersection design between Casuarina Way and the proposed access road is to be undertaken in accordance with the detailed design provided in Casuarina Way Intersection Review and Recommendations (Ref. P1768.002L) prepared by Bitzios Consulting and dated 25 March 2015.
13. The two car parking spaces located within the cul-de-sac road reserve are to be deleted.

[GENNS03]
14. Vegetation clearing for the purposes of the approved subdivision is limited to the earthworks footprint as shown on *Dwg No. 0006 Rev. B Cut/Fill Plan dated 26 February 2015 prepared by WGM Consulting* (including the 'Required Detention Basin Footprint') unless:
  - a) authorised by Council's General Manager or delegate; or
  - b) otherwise restricted by conditions of this consent.
15. All 29 Common Blossom Bat (*Syconycteris australis*) habitat trees of the species *Banksia integrifolia* (Coastal Banksia) occurring on the development site described in the *Tree Protection Management Plan (TPMP) Proposed 20 Lot Subdivision Lot 1 DP 1077697 dated January 2015 prepared by Treescience Pty Ltd* and shown on *Dwg. No. Healthretreat\_Identification Rev. 05 Proposed Subdivision - Tree Identification Plan Tree Retention Plan dated 01/15 prepared by Planit Consulting* shall be retained and afforded adequate protection for the life of the development.

[GENNS04]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. 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]

17. 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 public infrastructure works as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

18. 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]

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. 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]

21. 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 the application for a Construction Certificate.

[PCC0485]

22. 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 Subdivision Works. Safe public access shall be provided at all times.

[PCC0865]

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

#### EARTHWORKS

- (a) All proposed fill material is to be completely contained within the subject lands boundaries and the fill is to be of a granular nature for infiltration purposes.
- (b) The earthworks plans detailing the amount of cut and fill required. Calculations shall be provided to indicate the amount of fill material required for the proposed development.
- (c) Batter detail (including gradients) is to be shown on the earthworks plans.
- (d) Retaining walls are to be designed in accordance with Council's Development Design Specification D6 - Site Regrading. Heights of any proposed retaining walls is to be detailed in the application.
- (e) Finished surface levels are to be detailed on the plans and the plans are to show a number of sections through the earthworks for greater detail.

#### ROAD WORKS

- (a) Construction of an urban bitumen sealed road with a formation of 6.5m between kerbs within a 13.5m wide road reserve. The type of kerb to be constructed on new road is upright / barrier kerb as per Council's standards for subdivisions.
- (b) A smooth transition is to be provided from the existing roll top kerb on Casuarina Way to upright / barrier kerb for the new road. Details are to be shown on the application.
- (c) A reinforced concrete footpath 1.2m wide and 100 millimetres thick is to be constructed on a compacted base along the entire road frontage and linking into the existing concrete footpath located on Casuarina Way.
- (d) Traffic control devices are to be shown on the application for a Construction Certificate.
- (e) A longitudinal section showing finished surface levels is to be provided to demonstrate that access to proposed Lot 19 is achievable and can be constructed in accordance with Council's driveway access standards.

#### INTERSECTION

- (a) Detailed intersection design for the proposed intersection with Casuarina Way is to be provided at a minimum scale of 1:200. The intersection design shall take into consideration the existing driveways and the proposed kerb alignment (upright kerb is required for the new road). Adequate transition into the existing roll top kerb is to be shown on the drawings. Other considerations are signage, line marking and any proposed changes to driveways. The intersection design is to demonstrate compliance with Council's Development Design Specifications D1 - Road Design and Council's driveway access standards.

#### STORMWATER

- (a) Run off entering infiltration basins shall be pre treated to remove sediment and gross pollutants.
- (b) The infiltration basin is to be designed in accordance with Water by Design's (SEQ Healthy Waterways Initiative) Water Sensitive Urban Design Technical Design Guidelines
- (c) Adequate access to the infiltration basin is to be provided for maintenance purposes. The access is to be clear of any obstructions and adequate for machinery to maintain the basin when required.
- (d) The infiltration reserve, swales etc are required to be contained within a minimum 3m wide easement benefiting Tweed Shire Council. Proposed easements are to be shown on the application for a construction certificate.

- (e) A stormwater catchment plan is to be provided to support the proposed stormwater drainage and infiltration basin sizing.
- (f) Demonstrate that stormwater from the development can drain into the existing infiltration swale located on Lot 12 DP 1059409. Survey level detail is to be provided to demonstrate the stormwater layout will function as proposed.
- (g) A typical cross sectional view of the proposed infiltration swales is to be provided showing dimensions.
- (h) Post development stormwater discharge rates are to be no greater than pre-development. Calculations are to be provided for a range of storm magnitudes and durations to demonstrate if the maximum discharge rate has been achieved in the design.
- (i) Calculations are to be provided to demonstrate that the existing stormwater infrastructure can accommodate the proposed stormwater discharge from the future subdivision.
- (j) Long sections are to be provided to demonstrate that the piped drainage system and infiltration basin is free draining in accordance with Council's Development Design Specifications.
- (k) Erosion and sedimentation control.

#### SEWER & WATER

- (a) Water reticulation
- (b) Sewerage including;
  - As per D12.07.1 - Sewer mains are to be laid within the allotment (1-2 meters within the property boundary).
  - As per D12.07.5 - an easement over the sewer line of not less than 3.0 meters is to be provided.
  - The proposed stormwater detention basin must not be constructed over the sewer easement.
  - Minimum depth of cover for the sewer pipeline is to meet Sewer works in Proximity Policy.
  - As per D12.08.1 (e) Unless approved by TSC manholes shall not be less than 10m apart.
  - As per works in proximity policy, the minimum permissible depth of cover for the sewer subject to vehicular loading (line across lot 19) is 600mm. Minimum permissible depth of cover the areas not subject to vehicular loading is 450mm.
  - As per WSA02 Table 5.12 a minimum drop across manholes must be applied.
  - As per WSA02 Table 5.4, the minimum clearance b/w sewers and other services must be provided.

[PCC0875]

24. Prior to the issue of a Construction Certificate for civil 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
- (c) The Developer shall provide a Boundary Kit for connection for Lot 19 to be serviced by the pressure sewer to the gravity sewerage system, in accordance with Council's standard specifications and drawings. The location of connection or the pressure main to sewerage shall be determined in consultation with Council during preparation of the engineering design plans so as to minimise the length of rising main so as to reduce any potential odour and septicity issues
  - 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]

25. 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]

26. 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]

27. Prior to the issue of a Construction Certificate, 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 works including (but not limited to):

- a) Water
- b) Sewerage including;
  - As per D12.07.1 - Sewer mains are to be laid within the allotment (1-2 metres within the property boundary).
  - As per D12.07.5 - an easement over the sewer line of not less than 3.0 metres is to be provided.
  - The proposed stormwater detention basin must not be constructed over the sewer easement.
  - Minimum depth of cover for the sewer pipeline is to meet Sewer works in Proximity Policy.
  - As per D12.08.1 (e) Unless approved by TSC manholes shall not be less than 10m apart.
  - As per works in proximity policy, the minimum permissible depth of cover for the sewer subject to vehicular loading (line across lot 19) is 600mm. Minimum permissible depth of cover the areas not subject to vehicular loading is 450mm.
  - As per WSA02 Table 5.12 a minimum drop across manholes must be applied.
  - As per WSA02 Table 5.4, the minimum clearance b/w sewers and other services must be provided.
- c) Drainage Works including;
  - The connection of a private stormwater drain to a public stormwater drain.
  - The installation of stormwater quality control devices.
  - Erosion and sediment control works.

[PCC1195]

28. A single dwelling or group of up to three attached or detached dwellings, having a Building Code classification of 1a, must be connected by means of a single water service pipe each of which is

connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1305]

29. A detailed landscape plan shall be submitted and approved by Council's General Manager or delegate prior to the issue of the first of any construction certificate addressing the following areas:
- a) Any proposed road reserve, drainage reserve, stormwater easement or other Council owned land to be affected by the development; and
  - b) The area shown as 'Potential Regeneration Area' on *Dwg. No. Healthretreat\_Identification Rev. 05 Proposed Subdivision - Tree Identification Plan Tree Retention Plan dated 01/15 prepared by Planit Consulting.*

The detailed landscape plan shall:

- a) Reflect the conceptual landscape layout shown in *Statement of Landscape Intent Casuarina Way dated May 2014 prepared by Planit Consulting* (street-scaping only).
- b) Ensure 100% of total plant numbers are comprised of local native species. Species selection within the 7(f) Environmental Protection (Coastal Lands) zone shall be consistent with the *Tweed Shire Council Landscape Guidelines Casuarina Beach - 7(f) zone.*
- c) Environmental weed control works
- 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.

[PCCNS03]

#### PRIOR TO COMMENCEMENT OF WORK

30. 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]

31. 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, 3<sup>rd</sup> 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]

32. 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.

All fill for the subdivision is to be of a granular nature.

[PCW0375]

33. 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]

34. 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]

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.

36. The type of proposed fill material for the subdivision is to be confirmed prior to the commencement of works by a suitably qualified geotechnical engineer. The proposed fill material is to be of a granular nature with no clay, as all drainage for the subdivision and future dwellings is designed as infiltration into the existing sand strata.

[PCWNS01]

37. The applicant must ensure a suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) is appointed prior to commencement of any works. The Project Arborist is to be responsible for completing certification of tree management in accordance with the TPMP and *Australian Standard AS4970-2009 Protection of trees on development sites* through the various stages of the development.

38. Appropriate tree protection fencing shall be installed prior to commencement of any works in accordance with the Tree Protection Management Plan and *Australian Standard AS4970-2009 Protection of trees on development sites*. Additional tree protection fencing shall be installed to the satisfaction of Council's General Manager or delegate around any native vegetation not approved to be removed



or damaged to facilitate the development. Tree protection fencing shall remain for the duration of the construction period.

[PCWNS02]

## DURING CONSTRUCTION

39. 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]

40. 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]

41. 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]

42. 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]

43. 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]

44. 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]

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

[DUR0815]

46. 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]

47. 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]

48. 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]

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. 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]

51. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
  - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

52. 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]

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

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks

- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

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

Stormwater Quality Control Devices (other than proprietary devices)

- (a) For detail refer to Water By Design - Technical Guidelines
- (b) Earthworks and filter media
- (c) Structural components
- (d) Operational establishment
- (e) Mechanical/electrical
- (f) Commissioning - on maintenance
- (g) 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]

54. 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 Subdivision Certificate.

[DUR1955]

55. 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]

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

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

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

[DUR2035]

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

[DUR2185]

58. 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]

59. Drainage Reserve

- (a) The proposed drainage reserve is to be dedicated to Council at no cost.
- (b) An accurate plan of the proposed drainage reserve 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]

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

[DUR2355]

61. 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]

62. 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]

63. Dust and Erosion Management

- (a) Site earthworks are to be limited to a 5ha maximum at any time to reduce exposed areas. Completed areas are to be topsoiled and seeded immediately to protect them from water and wind erosion.
- (b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.
- (c) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

64. No excavations are permitted beyond 2m below the existing ground surface without the prior written consent of the General Manager or delegate.

[DURNS01]

65. During the construction period for each stage of the development all native vegetation not approved to be removed or damaged to facilitate the development on site shall be adequately protected and managed in accordance with the Tree Protection Management Plan and *Australian Standard AS4970-2009 Protection of trees on development sites*.

66. The applicant must comply with any directions given by the Project Arborist during the construction phase in respect to vegetation management measures to be employed onsite.

67. A suitably qualified 'Spotter Catcher' who holds a Wildlife Conservation License with an extended authority issued by the NSW Department of Environment & Heritage shall be engaged to oversee tree removal works. The 'Spotter Catcher' is required to evaluate risks and if necessary implement any necessary fauna management action/s to avoid any negative impact on the health/wellbeing of native fauna species.

68. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact appropriate, Plans of Management

for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Department of Environment and Climate Change. No further site clearing will take place until the Plan(s) of Management is/are approved.

69. All landscaping shall be carried out in accordance with the approved landscaping plans.
70. All practical 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.

[DURNS02]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

71. 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]

72. 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 1

Water DSP6:	9 ET @ \$12907 per ET	\$116,163
South Kingscliff Water Levy:	9 ET @ 307 per ET	\$2,763
Sewer Kingscliff:	9 ET @ \$6201 per ET	\$55,809

##### Stage 2

Water DSP6:	9 ET @ \$12907 per ET	\$116,163
South Kingscliff Water Levy:	9 ET @ 307 per ET	\$2,763
Sewer Kingscliff:	9 ET @ \$6201 per ET	\$55,809

##### Stage 3

Water DSP6:	1.2 ET @ \$12907 per ET	\$15,488.40
South Kingscliff Water Levy:	1.2 ET @ 307 per ET	\$368
Sewer Kingscliff:	1 ET @ \$6201 per ET	\$6,201

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

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

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

[PSC0165]

73. 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 1

(a) Tweed Road Contribution Plan:	
58.5 Trips @ \$1199 per Trips	\$70,142
(\$1,145 base rate + \$54 indexation)	
S94 Plan No. 4	
Sector7_4	
LCA4 - Casuarina:	\$10296
58.5 trips at \$176 per trip	
(\$168.00 base rate + \$8.00 indexation)	



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)

$\text{\$Unit}$  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) | Shirewide Library Facilities:<br>9 ET @ \$847 per ET<br>(\$792 base rate + \$55 indexation)<br>S94 Plan No. 11                       | \$7,623  |
| (c) | Bus Shelters:<br>9 ET @ \$64 per ET<br>(\$60 base rate + \$4 indexation)<br>S94 Plan No. 12  | \$576    |
| (d) | Eviron Cemetery:<br>9 ET @ \$124 per ET<br>(\$101 base rate + \$23 indexation)<br>S94 Plan No. 13                                    | \$1,116  |
| (e) | Community Facilities (Tweed Coast - North)<br>9 ET @ \$1404 per ET<br>(\$1,305.60 base rate + \$98.40 indexation)<br>S94 Plan No. 15 | \$12,636 |

- |     |  |             |
|-----|--|-------------|
| (f) | Extensions to Council Administration Offices<br>& Technical Support Facilities<br>9 ET @ \$1880.38 per ET<br>(\$1,759.90 base rate + \$120.48 indexation)<br>S94 Plan No. 18 | \$16,923.42 |
| (g) | Casuarina Beach/Kings Forest Community Facilities:<br>9 ET @ \$2288 per ET<br>(\$2,153 base rate + \$135 indexation)<br>S94 Plan No. 19                                      | \$20,592    |
| (h) | Casuarina Beach/Kings Forest Open Space:<br>9 ET @ \$1263 per ET<br>(\$717 base rate + \$546 indexation)<br>S94 Plan No. 19  | \$11,367    |
| (i) | Cycleways:<br>9 ET @ \$478 per ET<br>(\$447 base rate + \$31 indexation)<br>S94 Plan No. 22  | \$4,302     |
| (j) | Regional Open Space (Casual)<br>9 ET @ \$1103 per ET<br>(\$1,031 base rate + \$72 indexation)<br>S94 Plan No. 26   | \$9,927     |
| (k) | Regional Open Space (Structured):<br>9 ET @ \$3872 per ET<br>(\$3,619 base rate + \$253 indexation)<br>S94 Plan No. 26   | \$34,848    |

Stage 2

- |     |  |          |
|-----|--|----------|
| (a) | Tweed Road Contribution Plan:<br>58.5 Trips @ \$1199 per Trips<br>(\$1,145 base rate + \$54 indexation)<br>S94 Plan No. 4<br>Sector7_4 | \$70,142 |
|     | LCA4 - Casuarina:<br>58.5 trips at \$176 per trip<br>(\$168.00 base rate + \$8.00 indexation)  | \$10296  |

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)

$\text{\$Unit}$  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) | Shirewide Library Facilities:<br>9 ET @ \$847 per ET<br>(\$792 base rate + \$55 indexation)<br>S94 Plan No. 11   | \$7,623     |
| (c) | Bus Shelters:<br>9 ET @ \$64 per ET<br>(\$60 base rate + \$4 indexation)<br>S94 Plan No. 12  | \$576       |
| (d) | Eviron Cemetery:<br>9 ET @ \$124 per ET<br>(\$101 base rate + \$23 indexation)<br>S94 Plan No. 13  | \$1,116     |
| (e) | Community Facilities (Tweed Coast - North)<br>9 ET @ \$1404 per ET<br>(\$1,305.60 base rate + \$98.40 indexation)<br>S94 Plan No. 15   | \$12,636    |
| (f) | Extensions to Council Administration Offices<br>& Technical Support Facilities<br>9 ET @ \$1880.38 per ET<br>(\$1,759.90 base rate + \$120.48 indexation)<br>S94 Plan No. 18 | \$16,923.42 |
| (g) | Casuarina Beach/Kings Forest Community Facilities:<br>9 ET @ \$2288 per ET<br>(\$2,153 base rate + \$135 indexation)   | \$20,592    |

S94 Plan No. 19

- (h) Casuarina Beach/Kings Forest Open Space:  
9 ET @ \$1263 per ET \$11,367  
(\$717 base rate + \$546 indexation)  
S94 Plan No. 19
- (i) Cycleways:  
9 ET @ \$478 per ET \$4,302  
(\$447 base rate + \$31 indexation)  
S94 Plan No. 22
- (j) Regional Open Space (Casual)  
9 ET @ \$1103 per ET \$9,927  
(\$1,031 base rate + \$72 indexation)  
S94 Plan No. 26
- (k) Regional Open Space (Structured):  
9 ET @ \$3872 per ET \$34,848  
(\$3,619 base rate + \$253 indexation)  
S94 Plan No. 26

Stage 3

- (a) Tweed Road Contribution Plan:  
6.5 Trips @ \$1199 per Trips \$7,794  
(\$1,145 base rate + \$54 indexation)  
S94 Plan No. 4  
Sector7\_4

LCA4 - Casuarina: \$1144  
6.5 trips at \$176 per trip  
(\$168.00 base rate + \$8.00 indexation)

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:

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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)	Shirewide Library Facilities: 1 ET @ \$847 per ET (\$792 base rate + \$55 indexation) S94 Plan No. 11	\$847
(c)	Bus Shelters: 1 ET @ \$64 per ET (\$60 base rate + \$4 indexation) S94 Plan No. 12	\$64
(d)	Eviron Cemetery: 1 ET @ \$124 per ET (\$101 base rate + \$23 indexation) S94 Plan No. 13	\$124
(e)	Community Facilities (Tweed Coast - North) 1 ET @ \$1404 per ET (\$1,305.60 base rate + \$98.40 indexation) S94 Plan No. 15	\$1,404
(f)	Extensions to Council Administration Offices & Technical Support Facilities 1 ET @ \$1880.38 per ET (\$1,759.90 base rate + \$120.48 indexation) S94 Plan No. 18	\$1,880.38
(g)	Casuarina Beach/Kings Forest Community Facilities: 1 ET @ \$2288 per ET (\$2,153 base rate + \$135 indexation) S94 Plan No. 19	\$2,288
(h)	Casuarina Beach/Kings Forest Open Space: 1 ET @ \$1263 per ET (\$717 base rate + \$546 indexation) S94 Plan No. 19	\$1,263
(i)	Cycleways: 1 ET @ \$478 per ET	\$478

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(\$447 base rate + \$31 indexation)  
S94 Plan No. 22

- (j) Regional Open Space (Casual)  
1 ET @ \$1103 per ET \$1,103  
(\$1,031 base rate + \$72 indexation)  
S94 Plan No. 26
- (k) Regional Open Space (Structured):  
1 ET @ \$3872 per ET \$3,872  
(\$3,619 base rate + \$253 indexation)  
S94 Plan No. 26

[PSC0175]

74. 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 public infrastructure 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]

75. 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]

76. 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. 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 or \$3000 whichever is the greater.

[PSC0235]

77. 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]

78. 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]

79. 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]

80. 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]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

- (b) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- (c) Positive Covenant over lot 19 for the installation and maintenance of a private single property pump station.

A Restriction As To User requiring that roof water from dwellings or structures must be discharged to an infiltration pit sized to accommodate the 3 month average recurrence interval storm.

- (d) Any infiltration pit created on a lot burdened shall be approved by the certifying authority that certifies any construction certificate for any dwelling constructed on a lot burdened and any application to the certifying authority for a construction certificate in respect of a dwelling shall be accompanied by a design for the proposed infiltration pit.
- (e) All batters/retaining walls located on private property are required to be provided within an easement.

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

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

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

[PSC0835]

- 82. 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]



83. 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]

84. 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]

85. 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]

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

[PSC0925]

87. 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]

88. 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]

89. 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]

90. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (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]

91. The drainage reserve is to be functioning and operational prior to the release of the subdivision certificate for Stage 1.
92. An arboricultural certification report prepared by the Project Arborist ((Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the issue of the subdivision certificate for each stage (unless otherwise approved by Council's General Manager or delegate) demonstrating compliance with:
  - a) *Tree Protection Management Plan (TPMP) Proposed 20 Lot Subdivision Lot 1 DP 1077697 dated January 2015 prepared by Treescience Pty Ltd;*
  - b) Australian Standard AS4970 - 2009 *Protection of trees on development sites;* and
  - c) Any other tree management measure to protect retained vegetation as directed by Council's General Manager or delegate or Project Arborist during the construction period
93. All approved landscaping requirements must be completed to the satisfaction of Council's General Manager or delegate PRIOR to the issue of the Subdivision Certificate for Stage 1. Landscaping must be maintained at all times to the satisfaction of the Council's General Manager or delegate.
94. A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council (where applicable) shall be lodged by the Developer prior to the issue of the Stage 1 Subdivision Certificate. 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 or \$3000 whichever is the greater.
95. The following restrictions as to user under Section 88B of the *Conveyancing Act 1919* are to be created to Council's satisfaction prior to issue of the subdivision certificate:
  - a) No persons shall remove, damage or interfere in any way any Common Blossom Bat (*Syconycteris australis*) habitat tree being *Banksia integrifolia* (Coastal Banksia) described in the Tree Protection Management Plan and shown on Dwg. No.

Healthretreat\_Identification Rev. 05 Proposed Subdivision - Tree Identification Plan Tree Retention Plan dated 01/15 prepared by Planit Consulting (referred to for tree identification purposes only) burdened on the Lot

Burden: Part Lots 1 to 20 Benefit: Tweed Shire Council

- b) Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or secure night cage between the hours of 6:00pm and 6:00am

No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant

No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound

Burden: Part Lots 1 to 20 Benefit: Tweed Shire Council

[PSCNS01]

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

1. The development proposal is to comply with the layout identified on the following drawings, except where modified by the conditions of this approval:
  - Proposed Subdivision - Stage 01 prepared by Planit Consulting, reference Healthretreat\_Proposed\_Stage01 (Rev. 05), dated January 2015.
  - Proposed Subdivision - Stage 02 prepared by Planit Consulting, reference Healthretreat\_Proposed\_Stage02 (Rev. 05), dated January 2015.
  - Proposed Subdivision - Stage 03 prepared by Planit Consulting, reference Healthretreat\_Proposed\_Stage03 (Rev. 05), dated January 2015.

#### Asset Protection Zones

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

2. At the issue of subdivision certificate and in perpetuity the entire area of each lot shall be managed as an inner protection area (IPA) as

outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

3. At the issue of subdivision certificate for Stage 1 a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lots 2 and 9 to restrict the erection of a dwelling within 7.8 metres of the western boundary of Lot 2 and 7.9 metres from the western boundary of Lot 9.
4. At the issue of subdivision certificate for Stage 2 a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lot 10 to restrict the erection of a dwelling within 8 metres of the southern boundary of Lot 10.

#### Water and Utilities

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

5. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
7. The proposed emergency access off the cul-de-sac turning circle, as depicted in the drawing titled 'Proposed Fire Trail Access', prepared by Planit Consulting, dated March 2015, shall be constructed as part of Stage 1 and shall comply with Figure 4.4 and section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'.

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

8. The internal road to the existing building on proposed Lot 20 shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Landscaping

9. 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

Any future development application lodged within this subdivision under section 79BA of the 'Environmental Planning & Assessment Act 1979' will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

**3 [PR-PC] Development Application DA14/0717 for Alterations and Additions to Existing Dual Occupancy at Lot 337 DP 755740 No. 19 Queen Street, Fingal Head**

**RECOMMENDED** that Development Application DA14/0717 for alterations and additions to existing dual occupancy at Lot 337 DP 755740 No. 19 Queen Street, Fingal Head be refused for the following reasons:

1. Council has no record of a lawful dual occupancy that would allow the proposed alterations and additions in the manner sought.
2. It is unlawful to consent to additions and alterations to an existing unlawful development.
3. The proposed development would have negative cumulative impacts on Council's Section 64 and Section 94 developer contribution plans as the development has not previously been levied the appropriate contributions.
4. The proposed development is not considered in the public interest as it would create an undesirable precedent for other unauthorised structures and uses.

**4 [PR-PC] PP11/0002 Pottsville Employment Land - Referral to Department of Planning and Environment to have Plan Made**

**RECOMMENDED** that:

1. Subject to confirmation that the Planning Agreement has been registered on the land title, Planning Proposal PP11/0002, Tweed LEP 2014 Amendment No. 5 Lot 12 DP 1015369, 39 Kudgerie Avenue, Cudgera Creek, for rezoning from RU2 Rural Landscape and Deferred Matter, to IN1 General Industrial and E2 Environmental Conservation be referred to the Department of Planning and Environment for the plan to be made.
2. Should the Department of Planning and Environment not agree to application of the E2 Environmental Conservation zone in Recommendation 1, that:

- a. The portion of the site to be zoned IN1 General Industrial proceed to making of the plan, and
- b. The remainder of the property to be dedicated to Council for environmental purposes remain zoned under existing Tweed LEP 2014 zones until such time as the Minister provides a Direction on the application of environmental zones, and
- c. Once a Ministerial Direction is received detailing how environmental zones are to be applied, that a separate planning proposal be prepared and sent to the Department seeking a final zoning of the environmental land component of the site.

**5 [PR-PC] Dunloe Park Release Area - Landowner's Request for Council Support to Engage in a Masterplanning Program for the Land**

**RECOMMENDED** that Council endorses:

1. The strategic land-use investigation of the Dunloe Park Release Area (Area 7 in the Tweed Urban and Employment Land Release Strategy 2009), and for Council staff to assist the Pottsville Development Corporation Pty Ltd (PDC) with the development of a master-plan for the entire release area subject to the following:
  - a. it will be at no cost to Council;
  - b. the community is invited to participate in the master-plan process and provided the opportunity to present its views for the site;
  - c. a draft master-plan is to be publicly notified and displayed;
  - d. following the exhibition of the draft master-plan, a report shall be submitted seeking final endorsement of the master-plan, which will form the basis of any future request to Council for a rezoning; this report shall demonstrate that the master-plan has been prepared and documented, and generally conforms to the matters detailed in Table 1 "Indicative Master-plan Process", contained within this report and
  - e. if deemed appropriate, any commitments made by the PDC within the master-plan be secured by way of a legally enforceable planning agreement to be made concurrently with any land rezoning.
2. Upon completion of an agreed Masterplan, Council will agree to process the rezoning of all or part of the subject land, subject to satisfying the matters above and the relevant statutory obligations applicable to such a rezoning.

3. That upon completion of an agreed Masterplan, that PDC will be required to enter into a costs agreement to fund the rezoning of the land as referred to in Point 2 above.

**6 [PR-PC] PP11/0005 Planning Proposal 'Club Banora' Leisure Drive, Banora Point**

**RECOMMENDED** that:

1. Planning Proposal PP11/0005, Tweed Local Environmental Plan 2014 Amendment No. 6, to rezone Part Lot 2 DP 1040576, Leisure Drive, Banora Point from RE2 Private Recreation to B2 Local Centre under Tweed Local Environmental Plan 2014 be referred to the Department of Planning and Environment to make the plan under section 59 of the *Environmental Planning and Assessment Act 1979*.
2. In accordance with Clause 7.13 of Tweed Local Environmental Plan 2014, the site be included on the Key Sites Map and that the Development Control Plan required under this clause includes establishment of a limit to the gross floor area of retail development and provides guidance on urban design principles and integration with the adjoining Banora Point Shopping Village.
3. The cost for preparation of the Development Control Plan is borne by the applicant on a cost recovery basis as provided by Council's Fees and Charges Schedule.
4. The Minister for Planning be advised that delegation of the Plan making functions is not sought.

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

**RECOMMENDED** that Council notes there are no variations for the month of April 2015 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

**REPORTS THROUGH THE GENERAL MANAGER**

**REPORTS FROM THE GENERAL MANAGER**

Nil.



## REPORTS FROM THE DIRECTOR ENGINEERING

- 2 [E-CM] The City Slider Event on Boundary Street, Tweed Heads - Response to Council requests for information from Meeting held 16 April 2015

This item was dealt with in Confidential Session (Minute No C 21 refers)

## CONFIDENTIAL COMMITTEE

### EXCLUSION OF PRESS AND PUBLIC

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Cr G Bagnall  
Cr K Milne

**RESOLVED** that Council 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 - Unanimous**

**ABSENT. DID NOT VOTE - Cr M Armstrong, Cr P Youngblutt**

## CONFIDENTIAL ITEMS FOR CONSIDERATION

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:-

## REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

- 2 [E-CM] The City Slider Event on Boundary Street, Tweed Heads - Response to Council requests for information from Meeting held 16 April 2015

### REASON FOR CONFIDENTIALITY:

#### Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) *commercial information of a confidential nature that would, if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the council, or*
  - (iii) *reveal a trade secret*

## **C 21**

That Council approves the temporary closure of Boundary Street, Tweed Heads for The City Slider event from 10.00pm Friday 15 May to 4.00am Sunday 17 May 2015 including the following conditions:

1. NSW Police approval being obtained
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
3. Community and affected business consultation and any raised concern addressed
4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
5. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
6. Adequate public liability insurance being held by the event organiser
7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
8. Consultation with emergency services particularly Tweed Heads Police, Fire Brigade and Ambulance
9. Arrangements made for private property access and egress affected by the event
10. Variable Message Sign installed on Boundary Street at least one week prior to the event advising residents of the proposed event and including an event contact in the message.
11. Payment of a security bond to Tweed Shire Council for the sum of \$15,000 prior to the event payable by close of business on Wednesday 13 May 2015.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr M Armstrong, Cr P Youngblutt***

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Cr K Milne

Cr G Bagnall

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr M Armstrong, Cr P Youngblutt***

There being no further business the Meeting terminated at 6.22pm



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**

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