



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Minutes

Planning Committee Meeting Thursday 3 December 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

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

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

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

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The Meeting commenced at 5.03pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (Acting Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

Attendee Cr C Byrne was not present at the commencement of the meeting.

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer read by the Mayor.

APOLOGIES

Nil

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

Cr C Byrne attended the meeting at 5.08pm.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 [PR-PC] Development Application DA15/0093 for 26 Residential Units in Conjunction with 556m² of Commercial Space and Existing Two Room Dental Surgery and Partial Demolition of Existing Structure at SP 84793 No. 13-19 Church Lane, Lots 2, 4, 5 and 6 SP 84793; Nos. 2, 4, 5 and 6/13-19 Church Lane, Murwillumbah

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Cr P Youngblutt

Cr W Polglase

RECOMMENDED that Development Application DA15/0093 for a 26 residential units in conjunction with 556m² of commercial space and existing two room dental surgery and partial demolition of existing structure at SP 84793 No. 13-19 Church Lane, Lots 2, 4, 5 and 6 SP 84793; Nos. 2, 4, 5 and 6/13-19 Church Lane, Murwillumbah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as follows;

- Site Plan DA -1.1, Issue D dated 09/10/2015
- Street Level Church Lane DA- 1.2 Issue D dated 09/10/2015
- Mews Level DA - 1.3, Issue D dated 09/10/2015
- Level 1 DA - 1.4, Issue D dated 09/10/2015
- Level 2 DA - 1.5, Issue D dated 09/10/2015
- Level 3 DA - 1.6, Issue D dated 09/10/2015
- Level 4 DA - 1.7, Issue D dated 09/10/2015
- Roof Buildings A and B DA - 1.8, Issue D dated 09/10/2015
- Elevations Sheet 1 of 4 DA - 2.1, Issue D dated 09/10/2015
- Elevations Sheet 2 of 5 DA - 2.2, Issue D dated 09/10/2015
- Elevations Sheet 3 of 5 DA - 2.3, Issue D dated 09/10/2015
- Elevations Sheet 4 of 5 DA - 2.4, Issue D dated 09/10/2015
- Elevations Sheet 4 of 5 DA - 2.5, Issue D dated 09/10/2015
- Elevations Sheet 4 of 5 DA - 2.6, Issue D dated 09/10/2015
- Lower carpark detail plan DA - 3.1, Issue D dated 09/10/2015
- Building A Podium Level DA - 3.2, Issue D dated 09/10/2015
- Building C - Level 1 DA - 3.3, Issue D dated 09/10/2015
- Building C - Level 2 DA - 3.4, Issue D dated 09/10/2015
- Building A - Levels 1, 2, 3 Building B - Levels 1, 2, 3, 4. DA - 3.5, Issue D dated 09/10/2015
- Deep Soil General Arrangement DA - 4.2 Issue D dated 09/10/2015
- Demolition Plan DA - 4.4 Issue D dated 09/10/2015;

all prepared by RAD John Rust, Project No. 2556,

- Waste Management Plan - prepared by CLA Consultants, Revision A, dated 10 November 2015,
- Landscape Concept Plan - prepared by Mark Baldock, Drawing Number 1409-LCP1, dated November 2014,

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]
4. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges. [GEN0190]
5. The development is to be carried out in accordance with Council's Development Design and Construction Specifications. [GEN0265]
6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. [GEN0300]
7. This development consent does not include demolition of the existing structures on the subject site. A separate approval will need to be obtained for this purpose, as statutorily required. [GEN0305]
8. No vehicle larger than a standard Small Rigid Vehicle (SRV) as defined in the latest version of AS 2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities shall service the site. [GENNS01]
9. The applicant shall ensure that provision is made for fire fighting water supply as specified in the Building Code of Australia for the class and size buildings proposed.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. The developer shall provide 66 parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.
Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for Building Works.
The allocation of parking areas must be in accordance with Condition 102 of this consent [PCC0065]
11. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours (including colour product photo images) for approval. [PCC0175]
12. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been

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

[PCC0285]

13. Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17° (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan endorsed by Council. This Plan shall accompany the Construction Certificate application for Building works. Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- Contours and terraces where the height exceeds 1m.
 - Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

14. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties. All earthworks shall be contained wholly within the subject land.

[PCC0485]

15. Site regrading and associated drainage is to be designed to address drainage on the site, as well as existing stormwater flows onto or through the site, and minimising the impact on the local drainage. Detailed engineering plans of finished surface levels and perimeter drainage shall be submitted with the S68 stormwater application for Council approval.

Stormwater flows (including the ARI 100 year event) must be appropriately conveyed through the site, in a manner that does not adversely impact on upstream or downstream property.

The retaining wall and associated stormwater inlet structure along the northern property boundary shall be located entirely within the subject allotment. The inlet shall be designed to cater for the external catchment up to the Q100 storm event, with appropriate factor of safety and blockage factor as specified in Council's Design Specification D5 - Stormwater Drainage Design. The detailed design shall demonstrate the overland flow portion of the major system can comply with D5.12.

[PCC0675]

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

- Define adequate provision for the flood free storage for goods and equipment susceptible to water damage within the commercial premises at ground level.

[PCC0705]

17. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve, including (but not limited to) the construction of a new access (with applicable "sight triangle") in accordance with Section A2 - "*Site Access and Parking Code*" of Council's consolidated Tweed Development Control Plan and Council's "*Driveway Access to Property - Part 1*" Design Specification June 2004.

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

- Road works/furnishings
- Stormwater drainage

- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan

18. Details from a qualified Structural Engineer are to be submitted to Council's General Manager or his delegate for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main and include a certificate of sufficiency of design prior to the determination of a construction certificate. [PCC0895]

19. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. [PCC0945]

20. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

21. Permanent stormwater quality treatment shall be provided in accordance with the following: [PCC1065]

- (a) The Construction Certificate Application for Building Works shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (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 may incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.
- (d) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any works being undertaken.
- (e) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas and external catchments) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.

- (f) Roof water and external catchments do not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

22. A Construction Certificate application for Building Works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

23. Erosion and Sediment Control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

A detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality* shall be submitted with the Section 68 stormwater drainage application.

[PCC1155]

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

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.

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

[PCC1225]

26. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

- 27 Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for

approval along with a Liquid Trade Waste Application Form and all required information required therein.

[PCC1265]

28. The following additional details are required prior to the issue of a Construction Certificate.
- Evidence that all weather protection awnings will be provided above the pedestrian openings to each of the buildings
 - Suitable evidence shall be provided that large trees can be accommodated within the communal open space areas as proposed by the landscaping plan.
 - Additional details shall be provided regarding the treatment of the internal carparking area at 'mews' level to ensure the safety of pedestrians.
 - Details regarding the provision of privacy screens to balconies of Apartments 1, 2 and 3 within Building A.
29. Prior to the issue of a Construction Certificate for each stage of the project, a Construction Noise Management Plan (CNMP) shall be submitted to, and approved by, the General Manager or delegate. The CNMP is to be developed in accordance with the Interim Construction Noise Guideline (NSW Department of Environment & Climate Change).
30. Council may not be able to provide fire flows required by the Building Code of Australia for the Class and size of buildings proposed. Therefore, satisfactory evidence shall be provided and approved by the General Manager or delegate that adequate provision is made for firefighting supply in the event that Council mains are found inadequate.

[PCCNS01]

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

31. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the Principal Certifying Authority 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.
32. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

[PCW0005]

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
33. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
34. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- [PCW0235]
35. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
36. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours,

and

- (c) stating that unauthorised entry to the site is prohibited.

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

- [PCW0255]
37. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material, as deemed applicable by the Structural Engineer.
The Certificate shall also confirm that the integrity and stability of neighbouring property is not compromised by the proposed development.
- [PCW0745]
38. A Dilapidation Report detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and driveways is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report is to be submitted to and accepted by Council prior to commencement of ANY works on the site.
- [PCW0775]
39. Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.
- In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.
This sign is to remain in position for the duration of the project.
- [PCW0985]
40. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.
- [PCW1065]
41. Prior to the commencement of any works on-site, a detailed site and soil investigation is to be undertaken in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage 2011). The findings of the investigation, and any proposed Remedial Action Plan, are to be submitted to Council for consideration and approval.
- [PCWNS01]
42. Prior to the commencement of demolition works, a demolition application and work plan, in accordance with Council's guideline for demolishing structures, is to be submitted to Council for consideration and approval by the General Manager or delegate.
- [PCWNS02]
43. Prior to any soil being extracted from site, the Developer must advise Council of the proposed haul route and intended destination. No material can leave site until the

proposed route and destination have been endorsed by the General Manager or his delegate and any applicable Heavy Haulage Contribution paid.

The documentation must include a Traffic Management Plan prepared by an RMS accredited person in accordance with AS1742 and the RMS publication "Traffic Control at Work Sites" (current version) and be endorsed by Council.

The extraction of soil from the site is limited to 2900m³, unless agreed otherwise by Council.

[PCWNS03]

DURING CONSTRUCTION

44. 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]

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

[DUR0025]

46. 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]

47. 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]

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

[DUR0245]

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

[DUR0375]

50. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
[DUR0395]
51. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
[DUR0405]
52. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.
[DUR0415]
53. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
54. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures", the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011 and the Demolition Plan prepared by C & G Powell Demolition & Asbestos Removal, version 1.1 and dated 28 May 2012.
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]
55. 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]
56. All works shall comply with the Pre-Demolition Soil Contamination Investigation and Remediation Management Plan prepared by ADG Consulting. Sub-slab contaminated material shall not be placed in or below the groundwater table. Upon completion of sub-slab remediation (placement) works on site, Council shall be provided with a post remediation validation report to the satisfaction of the General Manager or his delegate. Construction works shall not commence until this report is reviewed and approved by the General Manager or his delegate.
[DUR0685]
57. All site earthworks and extraction shall be carried out in accordance with AS 3798 (current version).
[DUR0795]
58. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
[DUR0815]
59. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.
Please note timber retaining walls are not permitted.
[DUR0845]
60. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
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61. Provision to be made for the designation of one durable and pervious car wash-down area. The area must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system. [DUR0905]
62. 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. [DUR0975]
63. 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 any Occupation Certificate. [DUR0985]
64. 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: - [DUR0995]
- Noise, water or air pollution
 - Dust during excavation operations and also from construction vehicles
 - Material removed from the site by wind
65. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1005]
66. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1015]
67. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1025]
68. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1045]
69. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1685]
70. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [DUR1705]
71. 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. [DUR1725]
- [DUR1795]

72. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings.
[DUR1875]
73. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.
[DUR1925]
74. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.
[DUR1955]
75. 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]
76. 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]
77. A garbage storage area shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management".
[DUR2195]
78. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
[DUR2205]
79. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.
[DUR2215]
80. 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 any held Maintenance Bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

81. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection. [DUR2445]
82. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction: [DUR2485]
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
83. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR2535]
84. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
85. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR2555]
86. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main. [DUR2645]
87. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008. [DUR2835]
88. Should any part of the existing sewer or water supply infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

89. Prior to issue of an Occupation Certificate for each stage of the development, all works/actions/inspections etc required at that stage by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

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

[POC0205]

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

[POC0225]

92. Section 94 Contributions

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

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

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

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

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

a. Tweed Road Contribution Plan:

70.9 Trips @ \$1385 per Trips \$98,197

(\$1,317 base rate + \$68 indexation)

S94 Plan No. 4

Sector9_4

b. Open Space (Casual):

18.46 ET @ \$552 per ET \$10,190

(\$502 base rate + \$50 indexation)

S94 Plan No. 5

c. Open Space (Structured):

18.46 ET @ \$632 per ET \$11,667

(\$575 base rate + \$57 indexation)

	S94 Plan No. 5	
d.	Shirewide Library Facilities:	
	18.46 ET @ \$851 per ET	\$15,709
	(\$792 base rate + \$59 indexation)	
	S94 Plan No. 11	
e.	Bus Shelters:	
	18.46 ET @ \$66 per ET	\$1,218
	(\$60 base rate + \$6 indexation)	
	S94 Plan No. 12	
f.	Eviron Cemetery:	
	18.46 ET @ \$124 per ET	\$2,289
	(\$101 base rate + \$23 indexation)	
	S94 Plan No. 13	
g.	Community Facilities (Tweed Coast - North)	
	18.46 ET @ \$1411 per ET	\$26,047
	(\$1,305.60 base rate + \$105.40 indexation)	
	S94 Plan No. 15	
h.	Extensions to Council Administration Offices & Technical Support Facilities	
	17.815 ET @ \$1888.66 per ET	\$33,646.48
	(\$1,759.90 base rate + \$128.76 indexation)	
	S94 Plan No. 18	
i.	Cycleways:	
	18.46 ET @ \$480 per ET	\$8,861
	(\$447 base rate + \$33 indexation)	
	S94 Plan No. 22	
j.	Regional Open Space (Casual)	
	18.46 ET @ \$1108 per ET	\$20,454
	(\$1,031 base rate + \$77 indexation)	
	S94 Plan No. 26	
k.	Regional Open Space (Structured):	
	18.46 ET @ \$3890 per ET	\$71,809
	(\$3,619 base rate + \$271 indexation)	
	S94 Plan No. 26	

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

[POC0435]

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

[POC0475]

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

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

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

Water:	14.376 ET @ \$13,128	\$188,728.13
Sewer:	18.478 ET @ \$ 6,307	\$116,540.75

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

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

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

96. Prior to the issue of an Occupation Certificate for Stage 1, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

97. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

[POC0855]

98. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices, as applicable to each stage of the development.

[POC0985]

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

[POC1045]

100. Prior to the issue of an Occupation Certificate, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act, as applicable to each stage of the development.

[POCNS01]

101. All constructed retaining structures in excess of 1.2m in height are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted

to the Principle Certifying Authority and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

The certification shall also confirm that the integrity of neighbouring property has not been compromised by the undertaken works associated with the development, as applicable to each stage.

[POCNS02]

102. Prior to the issue of an Occupation Certificate all parking is to be in accordance with the following plans;

- Plan No. DA-1.2 titled 'Street Level Church Lane' dated 10 July 2014 issue D
- Plan No. DA-1.3 titled 'Mews Level' dated 10 July 2014 issue D

Except the following car parking spaces which are to be reallocated to the residential component of the development;

- 6 (six) of the tandem car parking spaces currently designated 'commercial - staff unit 5, numbers 15 to 20' on Plan No. DA-1.2 titled 'Street Level Church Lane' dated 10 July 2014 issue D are to be changed to residential car parking. Tandem spaces which require one vehicle to move before the second vehicle can exit are to be allocated to one unit only.
- 3 (three) of the car parking spaces currently designated 'commercial customer unit 3, numbers C1, C2 and C3' on Plan No. DA-1.3 titled 'Mews Level' dated 10 July 2014 issue D are to be changed to residential car parking for the residential units.
- Bicycle racks are to be provided within the development
- The car parking shall be permanently line marked in white colour and number allocated to each of the residential / commercial components of the development as per the above nominated plans.
- All parking areas are to be certified by a qualified engineer prior to occupation or use.
- Appropriate signposting shall be provided advising customers and visitors that off street parking is available

[POCNS03]

USE

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

[USE0125]

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

[USE0175]

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

[USE0225]

106. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

107. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

[USE1455]

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

[USE1510]

109. Any deliveries to the commercial uses onsite shall be restricted to the following hours;

*7am - 6pm Weekdays

*8am - 1pm Saturdays

No deliveries Sundays or Public Holidays

110. Satisfactory arrangements shall be implemented by the body corporate to ensure customer parking located behind security gating is readily available and sign posted accordingly.

[USENS01]

AMENDMENT 1

P 134

Cr G Bagnall

Cr K Milne

PROPOSED that the matter be deferred for a meeting with the residents to address their concerns of over development, height of buildings and traffic in the lane.

Amendment 1 was **Lost**

FOR VOTE - Cr G Bagnall, Cr K Milne

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

The Motion was **Carried** - (Minute No. P 133 refers)

FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt

AGAINST VOTE - Cr G Bagnall, Cr K Milne

2 [PR-PC] Development Application DA05/0004.04 for an Amendment to Development Consent DA05/0004 for Filling of Land at Lots 11-14 DP 87175 and Lots 2-9 DP 781714 Turnock Street, Kingscliff

P 135

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that in regards to Development Application DA05/0004.04 for an amendment to Development Consent DA05/0004 for filling of land at Part Lot 3 DP 828298 Cudgen Road, Cudgen; Lot 26C and 26D DP 10715 Quigan Street, Kingscliff; Lots 11-14 DP 87175 and Lots 2-9 DP 781714 Turnock Street, Kingscliff Council support the applicants withdrawal of the S96 Application as per the applicants letter of request dated 16 November 2015.

AND

That Council not enforce Conditions 1.6 and 1.8 of DA05/0004.03 (as duplicated below) until the Kingscliff Locality Plan Process is complete so that the Gales Holding Land which forms part of this DA can be considered more holistically:

1.6 *Within 2 years of the date of commencement of DA05/0004 a restriction on user burdening those parts of lot 11 and Lot 12 in DP871753 that are retained for the benefit of the Wallum Froglet (land to the south of Turnock Street) shall be registered in favour of Tweed Shire Council. The instrument shall be in or to the effect of the second Restrictive Covenant annexed to these conditions and will affect the area of land referred to in the annexed second Restrictive Covenant.*

[GENNS01]

1.8 *Within 2 years of the date of commencement of DA05/0004 the applicant shall submit to the Council a management plan for the Wallum Froglet Habitat area on Lots 11 and 12 in DP 871753 area which is the subject of the second restrictive covenants. The management plan shall contain provisions with respect to:*

- a. *habitat description: baseline survey of current condition and extent of habitat;*
- b. *Wallum Froglet Survey: baseline survey of Froglet population;*
- c. *review and assessment of threatening processes (including weeds, predators, stormwater, physicochemical and hydrological conditions).*
- d. *initial habitat protection and restoration works (e.g., if considered appropriate by the expert preparing the management plan, weeding, drainage or fencing);*
- e. *monitoring: habitat monitoring by photos and annual survey of fixed grid sample points (annual for five years), monitoring by day and night survey of fixed sample points (annual for five years) under suitable weather conditions and during breeding periods. Appropriate methodology, weather conditions and season for monitoring will be described in the management plan, and*
- f. *reporting: preparation by an appropriately qualified, independent expert of annual monitoring report and recommendations for management action which shall be submitted to Council. Should management actions be*

recommended in the report the Applicant will take reasonable steps to address the recommended management actions.

The management plan, with the goal of maintaining or improving existing Wallum Froglet habitat, shall be approved by Council within 2 years of commencement of DA05/0004. Once approved the management plan shall be complied with at all times. After approval, the management plan may be varied with the consent of Council.

[GENNS01]

The Motion was **Carried**

FOR VOTE - Unanimous

- 3 [PR-PC] Development Application DA12/0170.12 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lot 100 DP 1208306 No. 19-25 Cypress Crescent, Lot 1 Sec 4 DP 29748 No. 26 Tweed Coast Road, Lot 2 Sec 4 DP 29748; No. 28 Tweed Coast Road Cabarita Beach**

P 136

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA12/0170.12 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lot 100 DP 1208306 No. 19-25 Cypress Crescent, Lot 1 Sec 4 DP 29748; No. 26 Tweed Coast Road, Lot 2 Sec 4 DP 29748; No. 28 Tweed Coast Road Cabarita Beach be approved with the following amendments being made to the existing consent:

1. Delete Condition 84A and add a new Condition 84B as follows:

84B. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact report prepared by CRG Acoustical Consultants (ref: crgref12008a report dated 10 April 2012) and recommendations made in the Noise Management Plan Review prepared by MWA Environmental (ref: L37014/PAK/13-048 dated 1 December 2014) and MWA Environmental (ref: L26315/PAK/13-048 dated 11 August 2015) and as it relates to operating hours (approved only on a 6 month trial basis as per Condition 113C), except where modified by this consent.

2. Delete Condition 113B and add a new Condition 113C as follows:

113C. Hours of operation of the business are restricted to the following for a trial period of 6 months from the date of the endorsed modified consent (DA12/0170.12):

- Enclosed Dining/Lounge/Bar areas and Outdoor Bar – 7am to 12 midnight Monday to Sunday.
- Outdoor facilities, including pool and BBQ - 7am to 10pm Monday to Sunday.

A Section 96 Application is to be received before the 6 month trial period lapses to remove the trial period criteria if the extended hours are sought on a permanent basis. If the hours of operation are not modified by way of S96 Application then the hours of operation revert back 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.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr C Byrne, Cr W Polglase, Cr P Youngblutt

AGAINST VOTE - Cr G Bagnall, Cr K Milne

4 [PR-PC] Planning Proposal PP15/0004 - Water Extraction and Bottling Facilities in Certain Rural Zones

P 137

**Cr P Youngblutt
Cr C Byrne**

PROPOSED that Planning Proposal PP15/0004 (version 3), being *Tweed Local Environmental Plan 2014 Amendment No. 16*, to enable 'water extraction and bottling facilities' in the RU1 Primary Production and RU2 Rural Landscape zones be forwarded to NSW Planning and Environment requesting the making of the Plan under s.59 of the *Environmental Planning and Assessment Act 1979*.

AMENDMENT 1

P 138

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a report on the appropriateness of the consultation process and the reporting to Council.

Amendment 1 was **Lost**

FOR VOTE - Cr G Bagnall, Cr K Milne

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

AMENDMENT 2

P 139

Cr K Milne
Cr G Bagnall

PROPOSED that

1. Planning Proposal PP15/0004 (version 3), being *Tweed Local Environmental Plan 2014 Amendment No. 16*, to enable 'water extraction and bottling facilities' in the RU1 Primary Production and RU2 Rural Landscape zones be forwarded to NSW Planning and Environment requesting the making of the Plan under s.59 of the *Environmental Planning and Assessment Act 1979*.
2. The above Planning Proposal PP15/0004 is to include a provision to exclude State and Regionally Significant Agricultural Land.

Amendment 2 was **Carried** on the Casting Vote of the Mayor.

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

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

Amendment 2 on becoming the Motion was **Lost** on the Casting Vote of the Mayor - (Minute No P 139 refers)

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

AGAINST VOTE - Cr K Milne, Cr W Polglase, Cr P Youngblutt

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

P 140

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Council notes the November 2015 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Planning Committee Meeting terminated at 5.48pm.



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