



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

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

Minutes

Planning Committee Meeting Thursday 3 September 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.

THIS PAGE IS BLANK

The Meeting commenced at 5.02pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Shane Davidson (Acting Manager Corporate Governance) and Ms Ann Mesic (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer read by the 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.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 [PR-PC] Development Application DA14/0904 for a 28 Townhouse Development at Lot 2 DP 566095; No. 47 Champagne Drive Tweed Heads South

P 106

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0904 for a 28 townhouse development at Lot 2 DP 566095 No. 47 Champagne Drive, Tweed Heads South be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

- A. A detailed site contamination investigation prepared in accordance with the relevant provisions of the NSW contaminated land planning guidelines and if on the basis of the detailed site contamination investigation it is determined that the site requires remediation prior to being made suitable for the proposed use, a site remediation action plan and site validation report prepared in accordance with the relevant provisions of the NSW contaminated land planning guidelines shall be provided to Council's Environmental Health Officer for consideration and approval.

Such detailed site contamination investigation (and if required) remediation action plan and validation report shall be carried out and prepared by a consultant that has appropriate experience in the investigation of contaminated land and the provision of contamination reports in accordance with the provisions of the NSW contaminated land planning guidelines and other relevant NSW contamination guidelines.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans listed in the below table, except where varied by the conditions of this consent.

Drawing No.	Title	Drawn by	Dated	Issue
DA-01	Coverpage	Reddog Architects	21/04/2015	B
DA-02	Existing Site Analysis	Reddog Architects	21/04/2015	B
DA-03	Proposed Site Analysis	Reddog Architects	21/04/2015	B
DA-04	Site Plan	Reddog Architects	21/04/2015	B
DA-05	Lower Ground Floor Plan	Reddog Architects	21/04/2015	B
DA-06	Ground Floor Plan	Reddog Architects	21/04/2015	B
DA-07	Upper Floor/Roof Plan	Reddog Architects	21/04/2015	B
DA-08	Upper Roof Plan	Reddog Architects	21/04/2015	B
DA-09	Section A & B	Reddog Architects	21/04/2015	B
DA-10	Section C	Reddog Architects	21/04/2015	B
DA-11	Elevations 1	Reddog Architects	21/04/2015	B
DA-12	Elevations 2	Reddog Architects	21/04/2015	B
DA-13	Townhouse Type A - 2 bed	Reddog Architects	21/04/2015	B
DA-14	Townhouse Type B - 2 bed	Reddog Architects	21/04/2015	B
DA-15	Townhouse Type C - 3 bed	Reddog Architects	21/04/2015	B
DA-16	Townhouse specifications	Reddog Architects	21/04/2015	B
DA-17	Perspectives	Reddog Architects	8/12/2015	A
DA-18	Services Plan	Reddog Architects	21/04/2015	B
DA-19	Sun Study - 21 st June	Reddog Architects	21/04/2015	B
DA-20	Sun Study - 21 st December	Reddog Architects	21/04/2015	B
DA-21	Sun Study - 22 nd March	Reddog Architects	21/04/2015	B

[GEN0005]

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

[GEN0115]

- 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]

4. 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]

5. As per Tweed Shire Council Development Design Specification D12, the sewer junction (house connection) shall not be made to manholes.

[GENNS01]

6. The exportation and disposal of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Office of Environment and Heritage "Waste Classification Guidelines".

[GENNS02]

7. The applicant shall ensure that the siting and design of any stormwater infrastructure device/s does not result in the disturbance or removal of native vegetation

8. The applicant shall not remove, damage or disturb native vegetation without prior approval from the relevant authority

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. 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]

10. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A1 and Councils Development Design and Construction Specifications.

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

Please note timber retaining walls are not permitted.

[PCC0475]

11. 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]
12. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.
- [PCC1125]
13. Stormwater
- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
 - (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
 - (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
 - (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.
 - (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
 - (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
 - (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
 - (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
 - (j) All infiltration devices are to be located clear of stormwater or sewer easements.
- [PCC1135]

14. A construction certificate application for works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for subdivision works, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

15. 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]

16. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

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

[PCC1165]

17. 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 Plumbing Code of Australia.

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

[PCC1185]

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

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

[PCC1325]

19. Prior to the issue of a Construction Certificate an amended Waste Management Plan in accordance with Section A15 Waste Management and Minimisation of the Tweed Development Control Plan 2008, shall be submitted to Council and approved to the satisfaction of the General Manager, or his delegate.

[PCCNS01]

20. Any civil or construction works undertaken on the site must be designed and undertaken in full consideration and accordance with the recommendations and 'General Guidelines For Development' of the 'Supplementary Geotechnical Investigation of Geotechnical Constraints' - report: Job no. GE14/046 by Morrison Geotechnic dated April 2014.

[PCCNS01]

21. A detailed landscape plan prepared by a suitably qualified landscape architect or landscape consultant shall be submitted and approved by Council's General Manager or delegate prior to the commencement of any works onsite or prior to issue of a construction certificate whichever occurs first. The detailed landscape plan shall be generally consistent with the statement of landscape intent ('SLI') being *Concept Plan Champagne Drive prepared by Vee submitted December 2014* (in Concept Design Report Rev. A) (reference to the plan strictly relates to landscaping elements only) and shall include the following details:

- a. A site plan (1:100 or 1:200) showing the existing features. All existing trees to be located to scale and identified by botanical and common names;
- b. Proposed and existing site services, including water, gas, electricity, sewer, stormwater, etc.;
- c. Detail recognised best practice arboricultural management measures and approaches prescribed in the *Australian Standard AS 4970 - 2009 Protection of trees on development sites* to avoid disturbance and ensure retention of 'Existing Trees to be Retained' as identified on the SLI
- d. Planting plans at a scale of 1:100 or 1:200 indicating the location of all proposed and existing planting to be retained. The plan is to include a detailed plant schedule which shall include species listed by botanical and common names; quantities of each species; pot sizes; the estimated size of the plant at maturity, and proposed staking methods (if applicable).
- e. Minimum of 80% of total plant numbers to be comprised of local native species. No noxious or environmental weed species are to be proposed.

- f. An establishment period of no less than 26 weeks for landscaping works shall be prescribed
- g. Include an assisted ecological restoration component for the areas described as 'Existing Trees to be Retained' to the south and west of the development as shown on the SLI. This component shall include:
 - i. An appraisal of the present condition of those nominated areas of remnant vegetation;
 - ii. A plan overlaying an aerial photograph of the site which divides the area into management zones where appropriate;
 - iii. A management strategy for each of the zones, including the adoption of an 'Assisted Natural Regeneration' approach;
 - iv. A program of works to be undertaken to remove invasive weed species (noxious and environmental weeds);
 - v. A schedule of timing of proposed works involving primary works (26 weeks- Establishment Period) and secondary works (78 weeks - Maintenance Period)
 - vi. Coordination of services such as irrigation repair or civil infrastructure maintenance (such as stormwater) that may impact on the landscape establishment and maintenance periods;
 - vii. Management of domestic farm/feral animals (if appropriate) and any fencing/signage requirements to restrict access and increase landholder/resident awareness;
 - viii. Nomination of key performance indicators/criteria for monitoring purposes;
 - ix. Details of long term maintenance and management responsibilities; and
 - x. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of Council's General Manager or delegate for such changes

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

22. 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]

23. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

24. 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]

25. 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]

26. 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]

27. **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]

28. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of the Subdivision Certificate.

[PCW0375]

29. 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 1.0m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

30. 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]

31. 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]

32. Owners consent where the developer proposes to connect to the existing Council sewer (proposed lot 504//1010130) is required.

[PCWNS01]

DURING CONSTRUCTION

33. 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]

34. 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]

35. 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]

36. 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]

37. 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]

38. 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]

39. 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]

40. All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

The earthworks and filling shall also be undertaken in accordance with the recommendations provided in the **Geotechnical Investigation** (as required by Consent Condition 17) and monitored by a Registered Geotechnical Testing Consultant.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

[DUR0795]

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

[DUR0815]

42. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

43. 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]

44. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

45. 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]

46. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
47. 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]
48. All retaining walls must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate. [DUR1955]
49. A garbage storage area shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management". [DUR2195]
50. 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]
51. 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]
52. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
1. internal drainage, prior to slab preparation;
 2. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 3. external drainage prior to backfilling.
 4. completion of work and prior to occupation of the building.
- [DUR2485]

53. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

54. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

55. 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]

56. 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]

57. 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]

58. Cut-ins to live sewer shall be conducted in the presence of a Council Officer.

59. Any damage to any property or services shall be the responsibility of the constructor. Reinstatement shall be to the relevant authorities or property owner's satisfaction and at the constructors cost.

60. Continual sewerage services must be maintained for all properties upstream of or connected to the affected sewer, for the duration of the connection to sewer works.

[DURNS01]

61. Landscaping and assisted ecological restoration of the site shall be carried out in accordance with the approved detailed landscaping plans

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

62. 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]

63. 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. On site hydrant are included.

[POC0225]

64. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

65. Section 94 Contributions

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

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

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

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

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

- (a) Banora Point West/Tweed Heads South (DCP Section B3)
Open Space Passive (Casual):
23.0625 ET @ \$2294 per ET \$43,146.25*
(\$2,184 base rate + \$110 indexation)
S94 Plan No. 1
- (b) Banora Point West/Tweed Heads South (DCP Section B3)
Open Space Active (Structured):
23.0625 ET @ \$2630 per ET \$49,736.28*
(\$2,504 base rate + \$126 indexation)
S94 Plan No. 1
- (c) South Tweed Heads Master Drainage (DCP Section B3 area):
2.533 HA @ \$14100 per HA \$29,286.55*
(\$841.40 base rate + \$13,258.60 indexation)
S94 Plan No. 2
- (d) Tweed Road Contribution Plan:
102.7 Trips @ \$1387 per Trips \$116,804.90*
(\$1,318 base rate + \$69 indexation)
S94 Plan No. 4
Sector2_4
- (e) Shirewide Library Facilities:
20 ET @ \$851 per ET \$13,956.40*
(\$792 base rate + \$59 indexation)
S94 Plan No. 11
- (f) Bus Shelters:
20 ET @ \$66 per ET \$1,082.40*
(\$60 base rate + \$6 indexation)
S94 Plan No. 12
- (g) Eviron Cemetery:
20 ET @ \$124 per ET \$2,033.60*
(\$101 base rate + \$23 indexation)
S94 Plan No. 13
- (h) Community Facilities (Tweed Coast - North)
20 ET @ \$1411 per ET \$23,140.40*
(\$1,305.60 base rate + \$105.40 indexation)
S94 Plan No. 15
- (i) Extensions to Council Administration Offices
& Technical Support Facilities
20 ET @ \$1888.66 per ET \$30,974.02*
(\$1,759.90 base rate + \$128.76 indexation)
S94 Plan No. 18

- (j) Cycleways:
20 ET @ \$480 per ET \$7,872*
(\$447 base rate + \$33 indexation)
S94 Plan No. 22

- (k) Regional Open Space (Casual)
20 ET @ \$1108 per ET \$18,171.20*
(\$1,031 base rate + \$77 indexation)
S94 Plan No. 26

- (l) Regional Open Space (Structured):
20 ET @ \$3890 per ET \$63,796*
(\$3,619 base rate + \$271 indexation)
S94 Plan No. 26

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

[POC0395]

66. 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]

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

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

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

Water DSP4:	17 ET @ \$13128 per ET	\$223,176
Sewer Banora:	21.75 ET @ \$6307 per ET	\$137,177.30

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

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

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

[POC0675]

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

[POC0985]

69. 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]

70. All landscaping works shall be completed and maintained in accordance with the approved detailed landscape plan prior to issue of the occupation certificate. The applicant must provide to Council at completion of assisted ecological restoration works as detailed in the approved detailed landscape plan, works certification from a qualified professional that all works/measures have been completed in accordance with that plan.

[POCNS01]

USE

71. 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]

72. 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]

73. 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]

74. The assisted ecological restoration areas nominated in the approved detailed landscape plan shall be maintained and managed in accordance with that plan.

[USENS01]

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

1. The proposed development is to comply with the Site Plan, prepared by Reddog Architecture; Project No. 2411-229, Drawing No. DA-04, Issue A and dated 9/12/2014, except where modified by conditions of this approval.

2. At the commencement of building works and in perpetuity the property around the building shall be managed as follows:

- North West to the boundary as an Inner Protection Area.
 - North East to the boundary as an Inner Protection Area.
 - South East for a distance of 53 metres from units 20-28 inclusive as an Inner Protection Area.
 - South to the boundary from units 14-19 inclusive as an Inner Protection Area.
 - South West for a distance of 60 metres or to the boundary, whichever comes first, of units 13 & 14 as an Inner Protection Area.
3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 4. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

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

2 [PR-PC] Coastal Villages Planning Proposal and Amendments to Tweed Development Control Plan - Section B23 Hastings Point

P 107

**Cr B Longland
Cr P Youngblutt**

RECOMMENDED that:

1. The summary of public submissions received in response to the public exhibition of Planning Proposal, PP14/0001 and Draft Tweed Development Control Plan – Section B23 Hastings Point Locality Based Development Code is received and noted.
2. A public hearing under Section 57(5) of the Environmental Planning and Assessment Act 1979 not be held in relation to the issues raised by way of submission relating to the planning provisions exhibited applicable to Lot 156 DP 628026.
3. The Planning Proposal be finalised and referred to the Minister for Planning and Environment in accordance with Section 59(2) of the Environmental Planning and Assessment Act 1979, to be made.
4. Adopts the Tweed Development Control Plan, Section B23 – Hastings Point Locality Based Development Code Version 3, as amended by Action No. 1 detailed within Attachment 1 to this report.

5. Endorses the public notice of the adoption of the Tweed Development Control Plan in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.
6. Forwards a copy of the Development Control Plan Section B23 to the Director-General of the NSW Planning and Infrastructure in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

The Motion was **Carried**

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

3 [PR-PC] Tweed DCP 2008 - Draft Amendment B28 - Club Banora

P 108

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that:

1. Tweed Development Control Plan 2008 be amended by the inclusion of new Section B28 Club Banora (Attachment 2).
2. The summary of public submissions received in response to the public exhibition of Draft Tweed Development Control Plan – Section B28 Club Banora is received and noted (Attachment 1).
3. Public notification of the adoption of the Tweed Development Control Plan in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000 occur, and
4. A copy of Tweed Development Control Plan Section B28 Club Banora be sent to the Director-General of NSW Planning and Environment in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [PR-PC] Unauthorised Activities at Lot 22 DP 585033 No. 51 Phillip Street, Chinderah

P 109

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Council engage solicitors to undertake enforcement actions to address the ongoing unlawful activities at Lot 22 DP 585033, No. 51 Phillip Street, Chinderah.

The Motion was **Carried**

FOR VOTE - Unanimous

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

P 110

**Cr K Milne
Cr W Polglase**

RECOMMENDED that Council notes there are no variations for the month of August 2015 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 5.06pm.



THIS PAGE IS BLANK

