



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Minutes

Planning Committee Meeting Thursday 1 December 2016

held at **Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads** 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 5.00pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

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

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 General Manager.

APOLOGIES

Attendee Cr R Byrnes has informed the General Manager that his absence is caused by being away interstate.

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Cr W Polglase
Cr C Cherry

RESOLVED that the apology of Cr R Byrnes be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous

DISCLOSURE OF INTEREST

Cr C Cherry provided comment in relation to a perceived interest in Item 3.

The nature of this perceived interest is that she runs a caravan park in Wooyung. She has sought advice from the Office of Local Government and as this application is only to increase the height of the water slide she does not believe that she has a pecuniary interest.

Cr C Cherry will remain in the Chambers during discussion and voting.

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 DA15/0042 for a 20 Lot Subdivision including Demolition of Existing Structures & Construction of a Public Road at Lots 1 & 2 DP 1098348 Nos. 55-57 Walmsleys Road, Bilambil Heights; Lot 1 DP 134787, Lot 1 DP 167380 & Lot 2 DP 961928 Walmsleys Road, Bilambil Heights**

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**Cr W Polglase
Cr J Owen**

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 20(2)(a) of Tweed Local Environmental Plan 2000 regarding minimum lot size be supported.
- B. Development Application DA15/0042 for a 20 lot subdivision including demolition of existing structures & construction of a public road at Lots 1 & 2 DP 1098348 Nos. 55–57 Walmsleys Road, Bilambil Heights; Lot 1 DP 134787, Lot 1 DP 167380 & Lot 2 DP 961928 Walmsleys Road, Bilambil Heights be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plans;
 - Drawing No. Sk.1 Issue Q,
 - Drawing No. Sk.4 Issue G,
 - Drawing No. Sk.6 Issue E,
 - Drawing No. Sk.11 Issue G,
 - Drawing No. Sk.13 Issue G,
 - Drawing No. Sk.14 Issue D,
 - Drawing No. Sk.15 Issue D,

- Drawing No. Sk.16 Issue D,
- Drawing No. Sk.17 Issue D,

prepared by Cozens Regan Williams Prove Pty Ltd, except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.
[GEN0045]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.
[GEN0125]
5. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
6. Prior to demolition work commencing a sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site. The sign shall remain in place until all asbestos has been removed from the site.
[GEN0345]
7. Sewer pumping station, collector manhole or vent must be minimum distance of 10 meters from the adjacent property boundary (ie: lot 11).
8. A separate lot shall be created in the plan of subdivision for the sewer pumping station site and transferred to Council.
9. Building footprint is limited to the area east of the sewer main on lots 9, 10 and 11 with no building allowable within or over the sewer easement.
10. Water & sewer approvals relate to works proposed on Lot 2 DP1098348 only. Water and sewer works proposed for Lot 2 DP961928 will be subject to further review upon S305 application and prior to construction certificate for DA09/0527 (MP05_0198).
11. The following trees shall be retained and afforded adequate protection as shown on Tree Survey Plan dated 31/03/2015 Dwg. No. 20663D Rev. B provided by B & P Surveys Consulting Surveyors and corresponding Tree Survey Data prepared by Ecosure (submitted 18 June 2015):
 - a. Tree No. 109, threatened species *Macadamia tetraphylla* (Rough-shelled Bush Nut) located on proposed Lot 10;
 - b. Tree No. 29 *Flindersia australis* (Australian Teak) on proposed Lot 12; and
 - c. Tree No. 32 *Flindersia australis* (Australian Teak) on proposed Lot 12.

[GENNS01]

12. Approval is given for the absorption of the 3.2m battleaxe handle (as per Positive Covenant DP1098348), provided the Developer relocates power, water and any other existing services to Lot 1 DP 1098348 at the Developers expense and continues to provide access to Lot 1 DP 1098348 whilst the development is under construction.

[GENNS02]

13. Site regrading shall be limited to the provisions of Council's DCP Design Specification D6 - *Site Regrading*, except where Council have endorsed higher retaining walls as nominated on approved Drawing No. Sk.4 Issue G prepared by Cozens Regan Williams Prove and the variation is supported by certification of adequacy of design from a suitably qualified Structural / Geotechnical Engineer.

[GENNS03]

14. The Construction Certificate for Road No.1 and the intersection of Road No.1 and Road No.5 shall be compatible with any applicable Construction Certificate approved under DA09/0527 (being Major Project MP05-0198).

The design must take into consideration bus and garbage truck turning templates.

[GENNS04]

15. Prior to application for a Construction Certificate, owners consent shall be obtained from all existing property owners external of the subject allotments, where the development requires physically works to be undertaken within their property, such as earthworks and driveway re-establishment for the extension / construction of Road No. 1 (Walmsleys Road).

[GENNS05]

16. Prior to application for a Subdivision Certificate, any existing, private property improvement (such as driveway, retaining wall or associated landscaping) that is affected by the development shall be re-constructed / re-instated at the Developer's expense, in a location approved by Council, to a standard of no less than that existing, to the satisfaction of Council.

[GENNS06]

17. Unless approved otherwise by Council, rumble bar delineators (including line marking) are to be provided on the crest of Road No. 1 (Walmsleys Road) at the start of the Walmsleys Road extension, in front of the existing driveways, to physically reduce the running lanes to 3.0m. Appropriate "Crest Signs" and "No Parking" signs are to be installed.

[GENNS07]

18. In the event that the development pursuant to Development Consent No. DA15/0042 is carried out independent of the subdivision approved under Major Project Approval No. 05_0198 (Council reference - DA09/0527), an easement for sewerage shall be created over the proposed sewer rising main and the future gravity sewerage reticulation from Manhole 2/30 - 2/31, generally as shown on the approved Drawings No. Sk.15 and Sk.16.

The easement shall be created in conjunction with registration of the Plan of Subdivision (DA15/0042) in the Land and Property Information Office.

[GENNS08]

19. Prior to the excavated material being removed from the site under this development consent (DA15/0042) and deposited on the site under MP05_0198, all relevant conditions relating to MP05_0198 are to be complied with.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

20. The Construction Certificate Application for Subdivision Works shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the proposed development, prepared in accordance with Section D7.07 of Council's *Development Design Specification D7 - Stormwater Quality*. Such plans are to include measures, monitoring and adaptive management actions to ensure appropriate stormwater quality outcomes are achieved.

Permanent stormwater quality treatment shall comply with the *Tweed Urban Stormwater Quality Management Plan* and Council's *Development Design Specification D7 - Stormwater Quality*. Variations to these standards shall only be accepted where they are supported by best practice water sensitive urban design principles entailed in the "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership).

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

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

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

[PCC0165]

21. Prior to the issue of a Construction Certificate for Subdivision Works, a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works associated with the Construction Certificate as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

22. 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]

23. Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ (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.

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

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

[PCC0455]

24. The Construction Certificate application shall include a certificate of adequacy of design in accordance with AS 4678 (current version) and Council's Development Design and Construction Specifications, 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 take into consideration the zone of influence on any underground infrastructure within the subject site.

The Certificate shall be supported by Geotechnical assessment of the founding material.

Timber retaining walls are not permitted.

[PCC0475]

25. Notwithstanding any other condition of this consent separate Construction Certificates for bulk earthworks and subdivision works may be issued and the carrying out of bulk earthworks may be commenced as Stage 1, prior to the issue of a Construction Certificate for Subdivision Works where it can be demonstrated all works are compatible.

[PCC0495]

26. Prior to the issue of a Construction Certificate, a Detailed *Geotechnical Investigation* shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer, unless considered unjustified and supported in writing by the Geotechnical Engineer and endorsed by Council.

The investigation shall identify (as required) any areas of compressible clay materials, loose sands, landslip, instability, subsidence or reactive soil profiles which may impact on construction or building activities. If unsuitable materials are identified, the investigation shall provide recommendations such as a preloading or other forms of treatment necessary to achieve surface movement (y_s) rates consistent with a site classification "M" as defined by AS 2870 (current version). All consolidation resulting from preloading shall be monitored by settlement plates or detailed survey to determine consolidation/settlement characteristics.

[PCC0500]

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

[PCC0865]

28. Prior to the issue of a Construction Certificate for Subdivision Works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) Detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include (but are not limited to) the following, unless approved otherwise by the PCA:
 - earthworks
- (c) Demonstrate that all allotments can be serviced by a compliant driveway.
 - roadworks/furnishings/access
- (d) Existing cul-de-sac bulb in Walmsleys Road to be removed when road is extended.
- (e) Detailing all applicable traffic regulatory signage and line marking.
- (f) Re-instatement / re-construction of any disturbed, existing private property improvement (i.e. driveway) affected by the development.
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure),

- (g) Including submission of electrical reticulation plans clearly identifying the location of streetlights (on the opposite side to water mains), underground cables and all other electrical infrastructure including transformers and substations.

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

[PCC0985]

29. 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".

A shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site, prior to any earthworks being undertaken.

[PCC1155]

30. Prior to the issue of a Construction Certificate, applications shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for the following works (as applicable, but not limited to):
- a. water,
- A Pressure Reducing Valve (PRV) installation including valve pit and high and low flow valves shall be provided and located in Walmsleys Road near the boundary of existing Lot 1 DP167380 and Lot 1 DP1034976.
 - The water supply in each cul-de-sac shall be designed as per S.D.301.
- b. sewerage, including;
- Depth of cover to mains shall comply with Council's Works In Proximity Policy.
 - A scour valve is required at the low point of the proposed sewer rising main.
 - An air valve is required at the high point of the proposed sewer rising main.
 - As per WSA02 Table 5.4, the minimum clearance between sewers and other services (including proposed infiltration pits) must be provided.
 - Sewer house connections shall not be made to manholes.
 - External drops are required where manhole drops are greater than 490mm as outlined in WSA02-2014 Section 7.6.
 - Sewer manholes shall not be greater than 5 meters in depth.

- c. drainage works, including;
- the connection of a private stormwater drain to a public stormwater drain,
 - the installation of stormwater quality control devices,
 - erosion and sediment control works
- [PCC1195]
31. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), 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. Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.
- [PCC1310]
32. A detailed plan of landscaping (DPoL) is required to be prepared by a suitably qualified professional with expertise in landscape architecture and bushland restoration. The DPoL shall be submitted and approved by Council's General Manager or delegate (Recreation Services and Natural Resource Management) prior to issuing the first of any construction certificates and shall include:
- a. A Street-scaping component which includes the following details:
- i. A plan of suitable scale prepared in accordance with *Tweed Shire Council Development Control Plan Section A5 - Subdivision Manual Development Design Specification D14 - Landscaping Public Space*.
 - ii. A schedule of plants containing no noxious or environmental weed species and a minimum 80% of total plant numbers comprised of local native species.

Plants to be included in the detailed landscape plan are to meet the following criteria:

- A minimum of 80% locally occurring Australian native species and maximum of 20% non locally occurring Australian native species to apply to all trees;
 - A minimum of 80% locally occurring native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar);
 - Where practical locally occurring native plants should exceed these amounts;
 - Preferred turf species is *Cynodon dactylon* (Green Couch). Justification required if an alternative species is proposed;
 - Industry bred plants (cultivar or variety) are acceptable.
- b. A habitat restoration component for proposed Lot 12 (to be transferred to Council) that involves the revegetation of the area between the most western boundary of proposed Lot 12 and the candidate Endangered Ecological Community (EEC) Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion 10 m buffer line on Lot 12 (as shown on *Dwg No. Sk.1 Issue Q* by

Cozen Regan Williams Prove Consulting Engineers Pty Ltd dated June 2016) for of an approximate area of 674 m². The habitat restoration component shall be prepared generally in accordance with the Tweed Shire Council Draft Habitat Restoration Preparation Guideline and detail the following:

- i. An appraisal of the present condition of vegetation;
- ii. A plan overlaying an aerial photograph of the site which depicts the zone for planting,
 - a. A management strategy for the zone, including the approach, methods and techniques to be used for vegetation restoration;
 - b. A schedule of 100% appropriate local native plant species (suitable for site conditions) to be used for planting with a planting density to achieve one (1) plant per metre square and comprise 50% trees, 20% Small Trees/Shrubs, 30% Groundcovers/ Sedges/Grasses;
 - c. A program of works to be undertaken to remove invasive weed species;
 - d. A schedule of timing of proposed works;
 - e. A maintenance, monitoring and reporting schedule with developer commitment for a period not less than five (5) years;
 - f. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the General Manager or delegate for such changes;
 - g. Plantings shall be undertaken in accordance with standard *Dwg. No. S.D.701-702 Tree & Shrub Planting Details and Standard Revegetation Detail* in *TSC Landscape Procedures and Style Manual Appendix H* (of DCP A5 Subdivision Manual - D14 Landscaping Public Space);
 - h. A threatened species propagation plan for the removal of one (1) *Macadamia tetraphylla* (Rough Shelled Bush Nut) located on the northern property boundary of proposed Lot 8 shall be prepared to offset its loss. The plan shall state that onsite replacement planting stock shall be propagated by a bushland contractor or qualified nursery operator with a permit to collect from local specimens in accordance with the Flora-bank Guidelines and Code of Practice and Australian Network for Plant Conservation Guidelines. Details including propagation methods, number of specimens propagated and planted, monitoring and maintenance regime and final instalment locations (being within the habitat restoration zone on proposed Lot 12) are to be provided.

[PCCNS01]

33. As the Water Supply Authority under the Water Management Act 2000, prior to construction certificate the water supply and sewerage system information outlined in the Tweed Shire Council Development Design Specifications shall be to be submitted to Council's General Manager or his delegate for approval.
34. The Civil Works Plans for water supply and sewerage are considered to be preliminary and subject to change to meet Council requirements prior to construction certificate.
35. Any future development of this site will require an updated civil work plan to be submitted be approved by the General Manager or his delegate for approval prior

to construction. The plans shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water and sewer works.

36. Any alterations to Council approved water and sewer plans after construction certificate approval shall be provided to and approved by General Manager or his delegate prior to construction works.

37. Stormwater

All stormwater outlets shall discharge to a lawful point of discharge, being a Council drainage system, existing watercourse or registered easement, compliant with Council's Design Specifications D5 - *Stormwater Drainage Design* and D7 - *Stormwater Quality*. The design and location of all stormwater outlets and related treatment and mitigation structures must consider and make provision for future access for maintenance, to the satisfaction of Council.

Allotments with adverse fall that cannot drain to a street shall provide a combination of infiltration and detention with level spreaders, to minimise adverse impacts on downstream property. The Applicant may choose to install these devices under the Construction Certificate for Subdivision Works or impose an applicable restriction on title, to advise future property owners of this obligation during dwelling construction.

Where infiltration is adopted, the infiltration device must:

- (a) Comply with the provisions of Council's Design Specification D7 - Stormwater Quality, section D7.09.9.
- (b) Surcharge by visible surface flow, not piped.
- (c) Be sized to limit surcharge (per allotment) to 200l/s/ha, up to a Q100 storm event.
- (d) Be designed to allow for cleaning and maintenance overhauls.
- (e) 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.
- (f) Be designed to withstand loading from vehicles during construction and operation of the development.
- (g) Be located clear of sewer easements.

[PCCNS03]

38. Prior to the issue of a Construction Certificate for subdivision works:

1. Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e.: the provision of water and sewerage to the development.
2. Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
3. Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

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.

[PCCNS04]

39. Safety rails, compliant with the Building Code of Australia are to be provided where any retaining wall within public land exceeds 1.0m in height.

[PCCNS06]

40. Prior to the issue of a Construction Certificate, an RTA Risk Assessment is to be undertaken to determine if guard rail is required for the proposed road works.

If guard rails are required, a certificate of sufficiency of design signed by a practicing Structural Engineer shall be submitted to Council, certifying the proposed safety barrier. The design is to specifically address the potential for vehicle collision at the design road speed.

[PCCNS07]

PRIOR TO COMMENCEMENT OF WORK

41. 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]

42. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

(a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or

(b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

(c) WorkCover Regulations 2000

[PCW0025]

43. 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]

44. 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]

45. 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]

46. Subdivision work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority,
 - (ii) has appointed a Certifying Engineer to certify the compliance of the completed works.

The Certifying Engineer shall be a Professional Engineer (Civil) with National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating currency of the above accreditation, and

- (iii) has notified the Consent Authority and the council (if the council is not the Consent Authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0815]

47. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the Defects Liability Period for the Subdivision works.

[PCW0835]

48. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required to the satisfaction of the Principal Certifying

Authority. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

[PCW0985]

49. Excavation, shoring and dewatering of the approved works must be considered when undertaking works. Any permits required to undertake dewatering shall be obtained prior to commencing. The applicant shall conduct a thorough site assessment to determine trench safety for the approved works.
50. 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.

[PCWNS02]

DURING CONSTRUCTION

51. 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]

52. 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]

53. 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]

54. 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]

55. 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]

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

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

[DUR0645]

57. All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing (including trenches) 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 Number 25 / PCC0500) and monitored by a Registered Geotechnical Testing Consultant.

[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. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his delegate.

[DUR0985]

60. The surrounding public 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 deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[DUR0995]

61. 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]

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

[DUR1015]

63. A concrete footpath 1.2 metres wide is to be constructed on a compacted base as per approved Drawing No. Sk.13, in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

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

[DUR1735]

64. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

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

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-2007.

[DUR1805]

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

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

[DUR1825]

67. The proponent must not undertake any work within the public road reserve without giving Council's Engineering Division 48 hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

68. 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]

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station and Lift Stations

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

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- (a) Earthworks and filter media
- (b) Structural components
- (c) Operational establishment
- (d) Mechanical/electrical
- (e) Commissioning - On Maintenance

(f) Off Maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

70. The developer/contractor is to maintain a copy of the development consent, approved Management Plans and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

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

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

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

[DUR2035]

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

[DUR2355]

73. 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]

74. 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]

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

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[DUR2635]

76. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main unless 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 and that the design meets the Council Sewers - Works in Proximity Policy.

[DUR2705]

77. Appropriate tree protection fencing shall be installed generally in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites* prior to commencement of any works on site and remain for the duration of the construction period. Tree protection fencing shall be installed in the following locations unless otherwise approved by Councils general manager or their delegate.

- a. Along the boundary of the 10 m EEC buffer line within proposed Lot 12 as shown on *Proposed 20 Lot Subdivision Plan Dwg. Sk.1 Issue Q dated June 2016 prepared by Cozen Regan Will Prove Consulting Engineers Pty Ltd*; and
- b. Around the tree protection zone of Tree No. 109 *Macadamia tetraphylla* (Rough-shelled Bush Nut) as depicted in *Tree Survey Plan dated 31/03/2015 Dwg. No. 20663D Rev. B provided by B & P Surveys Consulting Surveyors and Tree survey Data by Ecosure (submitted 18 June 2015)*.

[DURNS01]

78. Landscaping of the site shall be carried out in accordance with the submitted/approved detailed plan of landscaping and associated habitat restoration component.

[DURNS01]

79. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during any tree removal and/or disturbance to wildlife habitat. Fauna management methods employed should be generally consistent with the *Draft Queensland Code of Practice for the Welfare of Wild Animals Affected by Clearing and Other Habitat and Wildlife Spotter/Catchers* (Hangar & Nottidge 2009). Where translocation is required the proponent shall seek any relevant permits from the state regulating agency (Office of Environment & Heritage). It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions.

[DURNS01]

80. 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 delegate.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

81. Prior to issue of a Subdivision Certificate, all works/actions/inspections etc required by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

82. 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.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's Certificate of Compliance signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water DSP3:	17.8 ET @ \$13386 per ET	\$238,270.80
Sewer Banora:	19 ET @ \$6431 per ET	\$122,189

83. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan: 110.5 Trips @ \$3013 per Trips (\$2,836 base rate + \$177 indexation) S94 Plan No. 4 Sector4_4	\$332,937
(b) Open Space (Casual): 17 ET @ \$557 per ET (\$502 base rate + \$55 indexation) S94 Plan No. 5	\$9,469
(c) Open Space (Structured): 17 ET @ \$638 per ET (\$575 base rate + \$63 indexation) S94 Plan No. 5	\$10,846
(d) Shirewide Library Facilities: 17 ET @ \$859 per ET (\$792 base rate + \$67 indexation) S94 Plan No. 11	\$14,603
(e) Bus Shelters: 17 ET @ \$67 per ET (\$60 base rate + \$7 indexation) S94 Plan No. 12	\$1,139
(f) Eviron Cemetery: 17 ET @ \$125 per ET (\$101 base rate + \$24 indexation) S94 Plan No. 13	\$2,125
(g) Community Facilities (Tweed Coast - North) 17 ET @ \$1425 per ET (\$1,305.60 base rate + \$119.40 indexation) S94 Plan No. 15	\$24,225
(h) Extensions to Council Administration Offices & Technical Support Facilities 17 ET @ \$1909.57 per ET (\$1,759.90 base rate + \$149.67 indexation) S94 Plan No. 18	\$32,462.69
(i) Cycleways: 17 ET @ \$485 per ET (\$447 base rate + \$38 indexation) S94 Plan No. 22	\$8,245

- (j) Regional Open Space (Casual)
17 ET @ \$1119 per ET \$19,023
(\$1,031 base rate + \$88 indexation)
S94 Plan No. 26

- (k) Regional Open Space (Structured):
17 ET @ \$3928 per ET \$66,776
(\$3,619 base rate + \$309 indexation)
S94 Plan No. 26

[PCC0215/POC0395/PSC0175]

84. Prior to the issue of a Subdivision Certificate a Defect Liability Bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works associated with the Construction Certificate for subdivision works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

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

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

[PSC0225]

86. A bond to ensure acceptable Plant Establishment and Landscaping Performance at time of handover to Council shall be lodged by the Developer prior to the issue of the Subdivision Certificate.

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

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

[PSC0235]

87. At the completion of the earthworks/filling and prior to the issue of the Subdivision Certificate, an appropriately qualified practising professional Geotechnical Engineer shall provide an Engineering Certification that clearly states the following:

1. All earthworks and filling have been inspected to a Level 1 standard in accordance with AS 3798 (current version) and in accordance with the recommendations of the detailed *Geotechnical Investigation* (as required by Consent Condition Number 25 / PCC0500).
2. All surface movement (y_s) has achieved rates that are consistent with a site classification M as defined by AS 2870 (current version). If expected surface movement (y_s) for the proposed allotments are likely to exceed a site classification of M, all affected allotments shall be burdened by a Restriction on Use pursuant to Section 88B of the Conveyancing Act advising future owners of the site classification.
3. Trenches have been compacted in accordance with Council's Construction Specifications.
4. All allotments are suitable for their intended use.

The submission shall include copies of all undertaken test results.

[PSC0395]

88. All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.

[PSC0485]

89. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

90. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

91. All retaining walls in excess of 1.2m in height must be certified by a suitably qualified Geotechnical / Structural Engineer. The certification is to be submitted with the Subdivision Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures, the approved Construction Certificate and are structurally sound.

In addition to the above certification, "Easement for support" and "Restriction On Use" (or equivalent) shall be included in the Section 88B Instrument to accompany the final plan of subdivision, in accordance with Section 6.06A - Retaining Walls of Council's Design Specification D6 - Site Regrading.

Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

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

[PSC0785]

92. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

93. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.

[PSC0830]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Easements to establish Legal Points of Discharge for stormwater.
- (c) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006" Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- (d) Restriction to be placed on Lot 10 with respect to the retention of the *Macadamia tetraphylla* and ongoing protection as a threatened species.
- (e) Easement for support and Restriction On Use (as applicable) for installed retaining walls.
- (f) Restrictions on title (as applicable) as recommended by the developments Geotechnical Investigations.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis (as applicable).

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

[PSC0835]

95. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.

[PSC0845]

96. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

97. Prior to registration of the Plan of Subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original Plan of Subdivision prepared by a registered surveyor and 2 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

98. In conjunction with the application for a Subdivision Certificate, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

- (a) Roads
- (b) Water Reticulation
- (c) Sewerage Reticulation
- (d) Sewerage Pump Station
- (e) Drainage
- (f) Bulk Earthworks
- (g) Retaining Walls

Note:

1. All compliance certificate applications for Subdivision Works must be accompanied by documentary evidence from the developers Certifying Engineer, certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the Construction Certificate, Tweed Shire Council's Development

Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "Accredited Certifier".

[PSC0915]

99. The six (6) months Defects Liability Period for the subdivision works commences upon the registration of the Plan of Subdivision.

[PSC0925]

100. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

101. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation (including household connections) shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP - Section A5 - Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.

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

[PSC1115]

102. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of all allotments has been completed.

[PSC1165]

103. Electricity

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

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or

future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

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

[PSC1185]

104. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer is required (at the Developer's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services.

[PSC1205]

105. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all installed s68h2 permanent stormwater quality control devices.

[PSCNS01]

106. The developer is to undertake care and maintenance operations on all streetscapes, for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer

[PSCNS02]

107. Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted for all landscaped casual and active open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.

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

Two categories of WAX plans are to be provided:

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

The plans are to be submitted in the following formats:

- a) 2 paper copies of the same scale and format as the approved plan.
- b) A PDF version on CD or an approved medium.
- c) An electronic copy in DWG or DXF format on CD or an approved medium.

[PSCNS04]

108. All primary habitat restoration works as detailed in the approved detailed landscaping plan - habitat restoration component must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate.

[PSCNS05]

109. The following restrictions as to user under Section 88B of the *Conveyancing Act 1919* are to be created to Council's satisfaction:

Restriction as to user regarding the retention and protection in perpetuity of one (1) *Macadamia tetraphylla* (Rough-shelled Bush Nut) identified as Tree No. 109 on proposed Lot 10 as depicted in *Tree Survey Plan Dwg. No. 20663D Rev. B dated 31/03/2015 provided by B & P Surveys Consulting Surveyors* and associated *Tree Survey Data by Ecosure (submitted 18 June 2015)*.

Burden: Part Lot 10. Benefit: Tweed Shire Council

[PSCNS05]

110. A cash bond or bank guarantee to ensure that the approved detailed landscaping plan - habitat restoration component (DPoL-HRC) for Lot 12 is implemented and completed must be lodged with Council prior to the release of the subdivision certificate unless all ecological restoration works over a five (5) year period have been completed in accordance with the approved DPoL-HRC to the satisfaction of Council's General Manager or delegate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works to be undertaken in accordance with the approved DPoL-HRC. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or delegate) must be submitted to Council which detail the cost of all associated work. The amount of the bond will be equivalent to 130% of the estimated cost of works.

- (a) One third of the cash bond or bank guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved DPoL-HRC. A further one third of the bond or bank guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the DpoL-HRC. The final one third of the bond or bank guarantee will be released 5 years after completion of all works on submission of certification by a suitably experienced and qualified bush regenerator stating that the DpoL-HRC has been satisfactorily completed and accepted by Council's General Manager or delegate
- (b) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the habitat restoration works in accordance with the DPoL-HRC. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the DPoL-HRC works must be undertaken once the need is identified.

[PSCNS05]

111. A bond to ensure acceptable plant establishment and landscaping (street-scaping only) performance at time of handover to Council shall be lodged by the Developer prior to the issue of the Subdivision Certificate. The bond shall be held by Council for a period of 12 months from the date of issue of the Subdivision Certificate and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non-compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

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

[PSCNS05]

112. The site of the sewage pumping station and habitat restoration area being proposed Lot 12 as depicted on Proposed 20 Lot Subdivision Plan Dwg. Sk.1 Issue Q dated June 2016 prepared by Cozen Regan Will Prove Consulting Engineers Pty Ltd shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

[PSCNS05]

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

1. The development proposal is to comply with the subdivision layout identified on the drawing: prepared by Cozens, Regan, Williams, Prove Pty Ltd, numbered 14446, Drawing No. Sk.1 Revision Q, and dated June 2016.

Asset Protection Zones

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

2. At the issue of subdivision certificate and then in perpetuity the entire property, except for the following areas, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
- The western part of proposed Lot 12 that is wholly contained in the area between the "10m EEC Buffer" line and the "Potential EEC" line, as identified on the plan prepared by Cozens, Regan, Williams, Prove Pty Ltd, numbered 14446, Drawing No. Sk.1 Revision Q, and dated June 2016.

Water and Utilities

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

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

Access

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

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

General Advice - consent authority to note

- This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.
- This BFSA has been assessed (in part) against information provided from Tweed Shire Council identifying that the EEC buffer, located in the Western section of proposed Lot 12, will be revegetated with a rainforest species mix, as part of compensatory plantings.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

- 2 **[PR-PC] Development Application DA16/0527 for the Demolition of Existing Structures and Construction of a Residential Flat Building (Seven Units) and Swimming Pool at Lot 14 Section 5 DP 758571 No. 204 Marine Parade, Kingscliff**

P 107

Cr R Cooper

Cr J Owen

RECOMMENDED that Development Application DA16/0527 for the demolition of existing structures and erection of a residential flat building (seven units) and swimming pool at Lot 14 Section 5 DP 758571 No. 204 Marine Parade, Kingscliff be refused for the following reasons:

1. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a). The proposed development is not considered to be in accordance with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.

2. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a). The proposed development is not considered to be in accordance with Tweed Development Control Plan 2008 - Section A1 Residential and Tourist Code.
3. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a). The proposed development is not considered to be in accordance with Tweed Development Control Plan 2008 - Section A2 Site Access and Parking Code.
4. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(b) and the likely amenity impacts of the development.
5. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(e) the public interest. The development is not considered to be in the public interest given the number and scale of variations to the controls required.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

3 [PR-PC] Review of Determination of Development Application DA15/1064 for a Redevelopment of Waterslide Playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point

DECLARATION OF INTEREST

Cr C Cherry provided comment in relation to a perceived interest in this item.

The nature of this perceived interest is that she runs a caravan park in Wooyung. She has sought advice from the Office of Local Government and as this application is only to increase the height of the water slide she does not believe that she has a pecuniary interest.

Cr C Cherry will remain in the Chambers during discussion and voting.

P 108

Cr W Polglase
Cr P Allsop

PROPOSED that the Review of Determination of Development Application DA15/1064 for a redevelopment of waterslide playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point be approved subject to the following conditions:

GENERAL

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

- Site Plan (Sheet S-1), prepared by EXPANDesign and dated 2 May 2016;
- Plan & Side Elevation, prepared by Swimplex Aquatics (undated), as amended in red;
- Front View, prepared by Swimplex Aquatics (undated), as amended in red;
- Design Drawing (Rev 4), prepared by Swimplex Aquatics and dated 5 February 2015; and
- S82A Application for Reconsideration of Development of Development Application DA15/1064, prepared by the applicant (undated), as amended in red

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. Landscaping within the waterslide playground area is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species for the Tweed Coast Road Elevation at the proposed development is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. This plan is to demonstrate front setback landscaping providing mature vegetation trees and a bushy and green appearance to the street as per the requirements of Tweed Shire Council Development Control Plan Section B23 - Hastings Point Locality Based Development Code.

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

5. 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]

6. 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]

7. 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]

DURING CONSTRUCTION

8. 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]

9. 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]

10. 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]

11. 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]

12. 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]

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

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

[DUR0645]

14. 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]

15. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

16. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

17. 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]

18. Prior to occupation the applicant or business operator is to be registered in Council's Public Swimming Pool Register and pay the appropriate fee under Council's schedule of fees and charges.

[POC1095]

USE

19. The development shall be carried out strictly in accordance with the general provisions and Part 6 Conclusions of the Noise Impact Assessment (Reference: ATP150204-R-NIA-02) prepared by ATP Consulting Engineers dated August 2016 unless varied by conditions of this consent to the satisfaction of the General Manager or his delegate.

[USE0035]

20. 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]

21. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

22. 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]

23. Hours of operation of the water slide component of the water park are restricted to the hours between 8am and 6pm on any day, no entrance to or use of the water slides is permitted outside of these hours.

[USE0185]

24. 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]

25. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

26. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

27. The public swimming pool shall be operated in accordance with the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and the current NSW Health Public Swimming Pool and Spa Pool Advisory Document, NSW Ministry of Health 2012.

[USE0985]

28. Use of the water slide area shall be restricted at all times to permanent and temporary residents of the caravan park and their registered guests only. It shall not be open to the public.

A register is to be maintained detailing any guests who utilise the water play area, specifying the permanent/temporary resident of which they are guests of and the site no. of the permanent/temporary resident.

A copy of this register is to be submitted to Council for review by the General Manager or delegate upon request.

29. The noise barrier shall be constructed and maintained along the whole north-eastern side of the raised platform in accordance with the Noise Impact Assessment (Reference: ATP150204-R-NIA-02) prepared by ATP Consulting Engineers dated August 2016) to the satisfaction of the General Manager or his delegate.

30. Public announcement (PA) systems, whistles or loud control devices and amplified music system shall not be used in association with the water play park.

31. The number of patrons permitted on the water park raised platform shall be restricted to one person per square metre to the satisfaction of the General Manager or his delegate. Whilst ever the water park is in use direct caravan park staff supervision shall be provided to ensure that this requirement is achieved.

[USENS01]

AMENDMENT 1

P 109

Cr K Milne
Cr C Cherry

RECOMMENDED that the Review of Determination of Development Application DA15/1064 for a Redevelopment of Waterslide Playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point be deferred to the Council meeting of 15 December 2016 to further consider visual impact, noise, parking and examine issues raised by the community submissions.

The Amendment 1 was **Carried** on the Casting Vote of the Mayor.

FOR VOTE - Cr R Cooper, Cr C Cherry, Cr K Milne
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr R Byrnes

The Amendment 1 on becoming the Motion was **Carried** on the Casting Vote of the Mayor (Minute No P 109 refers)

FOR VOTE - Cr R Cooper, Cr C Cherry, Cr K Milne
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop
ABSENT. DID NOT VOTE - Cr R Byrnes

4 [PR-PC] Draft Preliminary Gold Coast Airport 2017 Master Plan

P 110

Cr W Polglase
Cr J Owen

RECOMMENDED that Council:

1. Receive and note the attached submission to the Preliminary Draft Gold Coast Airport 2017 Master Plan and detail any additional matters to be incorporated within the submission prior to it being submitted to Gold Coast Airport Pty Ltd, and
2. Defer consideration of the Preliminary Draft Gold Coast Airport 2017 Master Plan and through the Office of the General Manager seek a briefing on the plan and on site visit with the Gold Coast Airport Pty Ltd and also to seek an extension to the submission period to enable Council to formally finalise a decision.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

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

P 111

Cr W Polglase

Cr C Cherry

RECOMMENDED that Council notes there are no variations for the month of November 2016 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

There being no further business the Planning Committee Meeting terminated at 5.34pm.

