



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 4 August 2016

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,**
Tumbulgum Road, Murwillumbah commencing at 5.00pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 6.15pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Manager Financial Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

CONFIRMATION OF PLANNING COMMITTEE MINUTES

- 1 **[CONMIN] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 4 August 2016**

388

Cr K Milne
Cr G Bagnall

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 4 August 2016 be adopted.

- 1 **[PR-PC] Development Application DA10/0737 for Alterations to Existing Highway Service Centre Comprising of Two (2) New Diesel Refuelling Points, Expansion of Truck Refuelling Canopy, New Truck Parking Area (30 New Bays) and the Replacement of Existing Truck parking area with additional car parking spaces and dedicated bus drop-off area at Lot 1 DP 1127741 and Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah**

RECOMMENDED that Council, in respect of Development Application DA10/0737 for alterations to existing highway service centre comprising of two (2) new diesel refuelling points expansion of truck refuelling canopy new truck parking area (30 new bays) and the replacement of existing truck parking area with additional car parking spaces and dedicated bus drop-off area at Lot 1 DP 1127741 and Lot 2 DP 1010771 No. 1 Ozone Street, Chinderah, endorse that a further report be brought back to Council with a more detailed assessment of the latest plans and information, and with a recommendation for determination.

2 [PR-PC] Development Application DA14/0435 for a 21 Lot Subdivision and Associated Road Infrastructure at Lot 115 DP 755701 & Lot 4 DP 549393 Clothiers Creek Road, Lot 2 DP 873399 Poinciana Avenue, Lots 1 & 2 DP 1172935, Lot 192 DP 217678, Poplar Avenue, Bogangar

RECOMMENDED that Development Application DA14/0435 for a 21 lot subdivision and associated road infrastructure at Lot 115 DP 755701 & Lot 4 DP 549393 Clothiers Creek Road, Lot 2 DP 873399 Poinciana Avenue; Lots 1 & 2 DP 1172935 & Lot 192 DP 217678 Poplar Avenue Bogangar be deferred to seek a site inspection and for a workshop in regard to impacts on core koala habitat and the endangered ecological community.

3 [PR-PC] Development Application DA15/1069 for a Child Care Centre at Lot 1701 DP 1214550 No. 44 Seabreeze Boulevard, Pottsville

RECOMMENDED that Development Application DA15/1069 for a Child Care Centre at Lot 1701 DP 1214550 No. 44 Seabreeze Boulevard, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, Acoustic Report prepared by CGCAcoustics dated 21 April 2016, except where varied by the conditions and the Approved Plans provided in the following table:

Title	Prepared By	Dated	Reference
Site Plan	Raymond Design	11/04/2016	RD15002/P3
Floor Plan	Raymond Design	08/05/2015	RD15002/P1
Landscape Intent Plan	Raymond Design	05/05/2015	RD15002/P1
Planting Schedule and Details	Raymond Design	08/05/2015	RD15002/P1
Elevations	Raymond Design	TBA	RD15002/PTBA
Material and Colour Schedule	Raymond Design	TBA	RD15002/PTBA

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

[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

4. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material. Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or

Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

5. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.
[GEN0190]
6. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]
7. Separate approval must be obtained from Council for permission to carry out works within a road reserve under S138 of the Roads Act 1993. An application is to be made to council seeking approval of works to carry out the construction of the crossover and driveway to service the development. This application is to be lodged with Council prior to or as part of the application for Construction Certificate.

The application shall include engineering plans and specifications for the following required works:

- (a) Provision of an access for the Child Care in accordance with Councils standard drawing S.D.017 and Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1 " Design Specification June 2004
- (b) Concrete sealing of the access from the existing road kerb to the property boundary in accordance with Tweed Shire Councils standards and specifications.
- (c) The submitted plans are to detail a minimum driveway width of 9m at the kerb line and of 6m at the property boundary as per Tweed Shire Councils standard drawing S.D.017 - Driveway Access to Properties Fronting Road with Kerb & Gutter.

Additional documentation to be included is available from Council's website, <http://www.tweed.nsw.gov.au/Building/Stage2> (Driveway Application s138).

[GENNS01]

8. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works.)

[GENNS02]

9. Stormwater management shall be in general accordance with the Stormwater Management Plan prepared by Cozens Regan Williams Prove Pty Ltd dated May 2015, except where varied by the conditions of this consent.

[GENNS03]

10. Erosion and Sediment Control shall be designed, installed and maintained 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".

[GENNS04]

11. All deferred payments approved by Council will require the recipient to provide a bank guarantee for the full amount of any outstanding deferred monies prior to the issue of a Construction Certificate.

Alternatively Council may choose to enter into a general or specific security agreement/deed under the *Personal Property Securities Act 2009*. The bank's obligations are discharged when payment to the council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required.

Where a bank guarantee has been deposited with council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest (if applicable) are paid. The bank guarantee must be provided by an Australian bank or recognised financial institution.

[PCCNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "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:	5.3 ET @ \$13,386	= \$70,945.80
Sewer:	9.5 ET @ \$6,431	= \$61,094.50

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all relevant 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.

Initial Payment (required prior to issue of Construction Certificate)

- (a) Tweed Road Contribution Plan:
48.325 Trips @ \$1364 per Trips \$39,549.00
((\$1,284 base rate + \$80 indexation)
(\$26,366 has been subtracted from total for commercial job creating developments)
S94 Plan No. 4
Sector8_4
- (b) LCA3 - Koala Beach/Seabreeze: \$2,087.40
48.325 trips at \$72 per trip
((\$68.00 base rate + \$4.00 indexation)
(\$1,391.60 has been subtracted from this total as this is deemed a commercial job creating development)

Second payment (required 1 year from the date of issue of the Construction Certificate)

- (a) Tweed Road Contribution Plan:
48.325 Trips @ \$1364 per Trips \$39,549.00
((\$1,284 base rate + \$80 indexation)
(\$26,366 has been subtracted from total for commercial job creating developments)
S94 Plan No. 4
- (b) Sector8_4
LCA3 - Koala Beach/Seabreeze: \$2,087.40
48.325 trips at \$72 per trip

(\$68.00 base rate + \$4.00 indexation)

(\$1,391.60 has been subtracted from this total as this is deemed a commercial job creating development)

Third payment (required 2 years from the date of issue of the Construction Certificate)

(a) Tweed Road Contribution Plan:

48.325 Trips @ \$1364 per Trips \$39,549.00

(\$1,284 base rate + \$80 indexation)

(\$26,366 has been subtracted from total for commercial job creating developments)

S94 Plan No. 4

Sector8_4

(b) LCA3 - Koala Beach/Seabreeze: \$2,087.40

48.325 trips at \$72 per trip

(\$68.00 base rate + \$4.00 indexation)

(\$1,391.60 has been subtracted from this total as this is deemed a commercial job creating development)

Final payment (required 3 years from the date of issue of the Construction Certificate)

(a) Tweed Road Contribution Plan:

48.325 Trips @ \$1364 per Trips \$39,549.00

(\$1,284 base rate + \$80 indexation)

(\$26,366 has been subtracted from total for commercial job creating developments)

S94 Plan No. 4

Sector8_4

(b) LCA3 - Koala Beach/Seabreeze: \$2,087.40

48.325 trips at \$72 per trip

(\$68.00 base rate + \$4.00 indexation)

(\$1,391.60 has been subtracted from this total as this is deemed a commercial job creating development)

[PCC0215]

14. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for

SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

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

[PCC1255]

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

[PCC1265]

17. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

18. A single dwelling or group of up to three attached or detached dwellings, having a Building Code classification of 1a, must be connected by means of a single water service pipe each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1305]

19. 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 to Alter Councils Water or Sewer Infrastructure 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]

20. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
21. Prior to the construction certificate being issued plans drawn to a scale of 1:50 detailing the following with regards to all food related areas (storage & preparation) shall be provided to Council for assessment and approval, accompanied by a completed Application for Approval of Food Premise Fitout and the adopted fee in Council's Fees and Charges. Evidence of the plans being approved shall be provided prior to release of the construction certificate:
- Floor plan
 - Layout of kitchen showing all equipment and washing facilities
 - All internal finish details including floors, wall, ceiling and lighting
 - Hydraulic design in particular method of disposal of trade waste where required
 - Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
22. A revised landscaping plan is to be submitted to Council identifying that at least 80 percent of plantings are local species. The applicable list of species to choose from is available on Council's website titled "Native Flora for Planting at Koala Beach". The revised landscaping plan must be approved to the satisfaction of the General Manager or delegate prior to the issue of Construction Certificate.

[PCC1325]

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

23. 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.
24. 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

[PCW0005]

- (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.
25. 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. [PCW0215]
- [PCW0225]
26. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
27. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

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

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

- [PCW0255]
28. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

29. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

DURING CONSTRUCTION

30. 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]

31. 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]

32. 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]

33. 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]

34. 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]

35. 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]

36. 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]

37. 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]

38. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

39. 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]

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

[DUR2185]

41. A garbage storage area shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management".
[DUR2195]
42. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
43. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.
- [DUR2495]
44. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
[DUR2535]
45. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
[DUR2545]
46. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
[DUR2555]
47. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service

frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[DUR2595]

48. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement
[DUR2685]
49. Council is to be notified, in writing, of any proposed changes to the wastewater pre-treatment devices.
[DUR2765]
50. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for the proposed lot, from the existing water main in Seabreeze Boulevard. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.
51. Works in the vicinity of public infrastructure must comply with the following requirements:
 - a) No portion of any structure may be erected over or within one meter of the public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
 - b) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

52. 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]
53. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
[POC0225]
54. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

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

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

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

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

[POC0265]

55. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

56. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

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

[POC1045]

58. 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]

59. 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]

60. Hours of operation of the business are restricted to the following hours:

- * 6am to 6pm - Mondays to Fridays
- * All deliveries and pickups relating to the business are to occur between the hours 7am to 6pm Mondays to Fridays

[USE0185]

61. 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]

62. 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]

63. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Friday.

[USE0285]

64. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by CRG Acoustics and dated 21 April 2016.

[USE0305]

65. 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]

66. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

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

[USE0875]

68. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

69. Hours of operation of the business are restricted to between 6am and 6pm Monday to Friday

70. All deliveries to the premises are to occur only within the hours of 6am to 6pm Monday to Friday unless otherwise approved by Councils General Manager or his delegate.

71. The Child Care Centre is restricted to a maximum capacity of 90 children and 15 staff.

4 [PR-PC] Development Application DA16/0031 for a Recreation Facility Including Gym and Swimming Pool and Signage at Lot 1702 DP 1214550 No. 42 Seabreeze Boulevard & Lot 1701 DP 1214550 No. 44 Seabreeze Boulevard Pottsville

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA02 to DA17 prepared by Glen Petersen Architect and dated 20 June 2016, 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. 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]

4. 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]

5. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.
[GEN0155]

6. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.
[GEN0190]

7. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]

8. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]

9. Owners Consent is required from adjacent allotment 1701 on DP 1214550 for a shared driveway arrangement for a Right of Carriageway benefiting Lot 1702 and burdening Lot 1701 on DP 1214550.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. The developer shall provide 19 parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for Building/Civil Works.

[PCC0065]

11. Section 94 Contributions

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

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

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

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

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

- (a) Tweed Road Contribution Plan:

80.5 Trips @ \$1364 per Trips \$65,881.20

(\$1,284 base rate + \$80 indexation)

(\$43,920.80 has been subtracted from total for commercial job creating developments @ 40%)

S94 Plan No. 4

Sector8_4

Or in accordance with Council's deferred payment scheme as per TRCP.

- (b) LCA3 - Koala Beach/Seabreeze: \$3,477.60

80.5 trips at \$72 per trip

(\$68.00 base rate + \$4.00 indexation)

(\$2,318.40 has been subtracted from total for commercial job creating developments @ 40%)

Or in accordance with Council's deferred payment scheme as per TRCP.

[PCC0215]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "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:	2.594 ET @ \$13,386.00/ET	\$34,723.28
Sewer:	3.9188 ET @ \$6,431.00/ET	\$25,201.80

[PCC0265]

13. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

14. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

15. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

16. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

17. 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]

18. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -

- (a) Vehicular access

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Traffic control plan

[PCC0895]

19. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils Development Design Specification D7 - Stormwater Quality.

- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.

- (c) Specific Requirements to be detailed within the Construction Certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.
 - (ii) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All “end of line” proprietary permanent stormwater treatment devices must be sized according to Council’s Development Design Specification D7 - Stormwater Quality, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- (d) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

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

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

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

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

[PCC1145]

21. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council*

Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

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

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

[PCC1185]

23. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

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

[PCC1255]

25. 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 to Alter Councils Water or Sewer Infrastructure 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]

26. Prior to the construction certificate being issued, plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officer for assessment and approval. Prior discussion with Council's Environmental Health Officer is recommended:

- a. Floor plan and sectional elevations in two directions
- b. Layout of kitchen showing all equipment
- c. All internal finish details including benches and work surfaces, floors, wall, ceiling and lighting
- d. Hydraulic design in particular method of disposal of trade waste
- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- f. Servery areas including counters etc.

[PCCNS01]

27. The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Environmental Noise Impact Report for 42 Seabreeze Boulevard, Pottsville prepared by CRG Acoustics Pty Ltd dated 7 June 2016 (crgref: 16091 report) have been incorporated into the design. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of Council's General Manager or delegate prior to the Construction Certificate being issued.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

28. 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]

29. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

30. 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]
31. 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]
32. 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]
33. Subdivision work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and

- (b) the person having the benefit of the development consent:
- (i) has appointed a Principal Certifying Authority,
 - (ii) has appointed a 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
 - (iv) has notified the Consent Authority and the council (if the council is not the Consent Authority) of the appointment,
 - (v) 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]

34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

37. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

DURING CONSTRUCTION

38. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved trade waste agreement, approved construction certificate, drawings and specifications.

[DUR0005]

39. 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]

40. 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]

41. The development shall be carried out in accordance with the provisions of the the Environmental Noise Impact Report for 42 Seabreeze Boulevard, Pottsville prepared by CRG Acoustics Pty Ltd dated 7 June 2016 (crgref: 16091 report) or any addendum to the report to the satisfaction of Council's General Manager or delegate.

[DUR0275]

42. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Environmental Noise Impact Report for 42 Seabreeze Boulevard, Pottsville prepared by CRG Acoustics Pty Ltd dated 7 June 2016 (crgref: 16091 report), then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the dwelling.

[DUR0295]

43. 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]

44. 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]

45. 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]
46. 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]
47. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
[DUR0815]
48. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
[DUR0985]
49. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.
[DUR0995]
50. 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]
51. 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]
52. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
[DUR1545]
53. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Councils Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation.
[DUR1575]

54. 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]
55. 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]
56. 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]
57. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed. [DUR1905]
58. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection. [DUR1925]
59. A garbage storage area shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management". [DUR2195]
60. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. [DUR2205]
61. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate and NSW Office of Water. [DUR2425]
62. 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]
63. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;

- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

64. Plumbing

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

[DUR2495]

65. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

66. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

67. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

68. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for proposed Lot 1702, from the existing water main in Seabreeze Boulevard. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

69. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

70. A Site Management Plan shall be prepared and submitted to the satisfaction of Council's General Manager or his delegate which details

how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate.

- [POC0125]
71. 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]

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

[POC0225]

73. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.
The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

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

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

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

[POC0265]

74. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

75. The proprietor of the food premises shall provide appropriate notification to Council prior to commencement of operations by completing the "Application for Food Premises Registration" form available from www.tweed.nsw.gov.au or alternatively by contacting Council on 02 6670 2400.

[POC0625]

76. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

77. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

78. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications. [POC0745]
79. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices. [POC0755]
80. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works. [POC0985]
81. 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. [POC1045]
82. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the registration of a Right of Carriageway for a shared driveway arrangement burdening Lot 1702 and benefiting Lot 1701 in DP 1214550. [POC1095]

No permanent structures are permitted within this easement, unless endorsed by Council.

USE

83. 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]
84. 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]
85. Hours of operation of the business are restricted to the following hours:
* 5.00am to 10.00pm - Mondays to Sunday [USE0185]
86. All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and public holidays, unless otherwise approved by Councils General Manager or his delegate. [USE0195]

87. 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]

88. 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]

89. The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and public holidays.

[USE0285]

90. A noise impact compliance assessment report prepared by a suitably qualified acoustic consultant shall be prepared and submitted to the satisfaction of the General Manager or delegate in respect to noise generated by the activities associated with the recreation facility.

The assessment report shall consider the Environmental Noise Impact Report for 42 Seabreeze Boulevard, Pottsville prepared by CRG Acoustics Pty Ltd dated 7 June 2016 (crgref: 16091 report) and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation of the recreation facility.

The applicant shall carry out any such recommendations as provided within the noise impact compliance assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[USE0295]

91. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for 42 Seabreeze Boulevard, Pottsville prepared by CRG Acoustics Pty Ltd dated 7 June 2016 (crgref: 16091 report), the approved Site Management Plan, and any addendum(s) or amendment(s) to these reports as approved by the General Manager or delegate.

[USE0305]

92. 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.

93. All trade materials, product and plant to be kept within confines of the building at all times. [USE0315]
94. All loading/unloading to take place within the boundary of the subject property. [USE0515]
95. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Council's Environmental Health Officer included in this approval. [USE0525]
96. All wastes shall be collected, stored, and disposed of to the satisfaction of the General Manager or his delegate. [USE0835]
97. The premises shall be maintained in a clean and tidy manner. [USE0875]
98. 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. [USE0965]
99. Suitable receptacles with close fitting lids must be provided and maintained in a clean and serviceable condition for soiled towels and trade wastes. [USE0985]
100. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval. [USE1015]
101. A backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense. [USE1055]
102. Food is to be restricted to the sale of coffee and pre-packaged non-potentially hazardous food products to visitors of the gym only. No food is to be prepared at the premises without the prior approval of Council's General Manager or delegate. [USE1455]
- [USENS01]

5 [PR-PC] Development Application DA12/0170.13 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lot 100 DP 1208306 Nos. 19-25 Cypress Crescent, Cabarita Beach, Lot 1 Sec 4 DP 29748, Lot 2 Sec 4 DP 29748 No. 26-28 Tweed Coast Road, Cabarita Beach

RECOMMENDED that Development Application DA12/0170.13 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lot 100 DP 1208306 Nos. 19-25 Cypress Crescent,

Cabarita Beach, Lot 1 Sec 4 DP 29748, Lot 2 Sec 4 DP 29748 No. 26-28 Tweed Coast Road, Cabarita Beach be approved subject to the modification or addition of the following conditions:

1. Delete Condition 1C and replace with Condition 1D as follows:

1D The development shall be carried out in five (5) stages as follows:

Stage 1:

- Demolition Work, Earthworks and Extension of walls to third floor roof.

Stage 2:

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

Stage 3:

- Final construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and

- Partial site landscaping.

Stage 4:

- Construction of car park room and covered pedestrian entry.

Stage 5:

- Construction of new day spa, storeroom, manager's office and staff room.

2. Delete Condition 1.1B and replace with Condition 1.1C as follows:

1.1C. The development shall be completed in accordance with the Statement of Environmental Effects and Plans identified as:

- Site Plan, S96 101 Revision B, dated 28/11/2014;
- Ground Level Option 1, S96 101 Revision B, dated 28/11/2014;
- Level One, S96 102, Revision B, dated 28/11/2014;
- Level Two, S96 103, Revision B, dated 28/11/2014;
- Roof, S96 104, Revision B, dated 28/11/2014;
- Section AA, S96 200, Revision B, dated 28/11/2014;
- North and South Elevation, S96 300, Revision B, dated 28/11/2014;
- East and West Elevation, S96 310, Revision B, dated 28/11/2014.

For the Stage 5 building:

- Site Plan with reference DA100 dated 20/04/2016.
- Ground Floor Plan Proposed with reference DA110, nd.
- First Floor Plan Proposed with reference DA120 dated 20/04/2016.
- North Elevations Proposed with reference DA200 dated 20/04/2016.
- East and West Elevations Proposed with reference DA210 dated 20/04/2016.
- South Elevations Proposed with reference DA220 dated 20/04/2016.

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

3. Delete condition 99B and replace with Condition 99C as follows:

99C. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council for

each of the remaining applicable stages to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

[PCC0265]

4. New Condition 38.1 is to be inserted under heading PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE as follows:

38.1. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or delegate detailing the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of intrusive noise from the operation of the proposed Day Spa is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.

[PCCNS01]

5. New Conditions 89.1-89.4 are to be inserted under heading DURING CONSTRUCTION as follows:

89.1. 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]

89.2. The premises shall be constructed in accordance with the provisions of Part 3 of Schedule 2, Standards for Beauty Salons, under the Local Government (General) Regulation 2005.

[DUR1665]

89.3. Swimming Pools (Building)

(a) The plunge pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.3 -2010 & AS 1926.2-2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.

(b) The plunge pool is to have suitable means for the drainage and disposal of overflow water.

- (c) The plunge pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
- (e) Once your plunge pool is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

89.4. Backwash from the plunge pool and the existing swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

6. New Conditions 109.1-109.3 are to be inserted under heading PRIOR TO ISSUE OF OCCUPATION CERTIFICATE as follows:

109.1. Upon completion of the plunge pool the builder is to submit to the Principal Certifying Authority a certificate stating that the "Water Recirculation System" has been installed in accordance with AS 1926.3-2010.

[POC0905]

109.2. 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]

109.3. Prior to commencement of operations the applicant or business operator is to be registered on Council's Public Health Register, and pay the appropriate fee under Council's schedule of fees and charges

[POCNS01]

7. New Conditions 120.1-120.8 are to be inserted under heading USE as follows:

120.1. Hours of operation of the Day Spa business are restricted to the following hours:

- * 10am to 6pm - Mondays to Sundays
- * All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

120.2. The premises shall be maintained in a clean and tidy manner.

[USE0965]

120.3. Skin penetration activities at the premises shall be conducted in accordance with the Public Health Act 2010 and Part 4 of the Public Health Regulation 2012.

[USE0975]

120.4. 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]

120.5. The premises must be provided with facilities that are adequate for the purpose of keeping towels, appliances, utensils and the like clean.

[USE1005]

120.6. Suitable receptacles with close fitting lids must be provided and maintained in a clean and serviceable condition for soiled towels and trade wastes.

[USE1015]

120.7. A sharps container shall be provided for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected by an authorised medical waste collection service to the satisfaction of Council's General Manager or his delegate.

[USE1025]

120.8. The ancillary use of the Day Spa is exclusively for guests of the motel only and will not be open to the general public.

[USENS01]

6 [PR-PC] Development Application DA12/0170.14 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lot 100 DP 1208306 Nos. 19-25 Cypress Crescent, Cabarita Beach, Lot 1 Sec 4 DP 29748, Lot 2 Sec 4 DP 29748 No. 26-28 Tweed Coast Road, Cabarita Beach

RECOMMENDED that Development Application DA12/0170.14 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lot 100 DP 1208306 Nos. 19-25 Cypress Crescent, Cabarita Beach, Lot 1 Sec 4 DP 29748, Lot 2 Sec 4 DP 29748 No. 26-28 Tweed Coast Road, Cabarita Beach be approved subject to amendment of the following conditions:

1. Condition No. 84B is to be deleted and replaced with Condition No. 84C which reads as follows:

84C. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact report prepared by CRG Acoustical Consultants (ref: crgref12008a report dated 10 April 2012) and recommendations made in the Noise Management Plan Review prepared by MWA Environmental (ref: L37014/PAK/13-048 dated 1 December 2014) and MWA Environmental (ref: L26315/PAK/13-048 dated 11 August 2015) except where modified by this consent.

2. Condition No. 113C is to be deleted and replaced with Condition No. 113D which reads as follows:

113D. Hours of operation of the business are restricted to the following:

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

7 [PR-PC] Development Application DA15/0532.01 for an Amendment to Development Consent DA15/0532 for Use of Part of Tavern Floor Area as a Retail Shop at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah

RECOMMENDED that Council defers engaging solicitors pending the outcome of the current litigation involving the site between the landowner and a third party and a report be brought back to a future meeting.

8 [PR-PC] Development Application DA04/0162.02 for an Amendment to Development Consent DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan

RECOMMENDED that Development Application DA04/0162.02 for an amendment to Development Consent DA04/0162 for expansion and amalgamation of existing quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan be approved subject to the following changes being made to Schedule B of the consent:

1. Delete Schedule B Condition 1 and replace it with Condition 1A which reads as follows to reflect the new plan:
 - 1A. The development shall be completed in accordance with the following:
 - a. Statement of Environmental Effects prepared by Jim Glazebrook & Associates Pty Ltd (JGA) dated February 2004,
 - b. Further information as per the JGA letter of 30 July 2004 as later amended by their letter of 8 October 2004
 - c. The approved "Rehabilitation and Environmental Management Plan" approved from time to time by Council's Director of Planning & Regulation

Except where varied by the approved S96 DA04/0162.02 application material specifically incorporating Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus

AND

Except where varied by the following conditions

2. Insert new condition in Schedule B after Condition 1A which is numbered 1.1 which reads as follows to reflect the NSW Office of Environment & Heritage requirement for BioBanking:
 - 1.1. Prior to the commencement of the quarry expansion (as approved by DA04/0162.02), the proponent must develop a biodiversity offset strategy to the written satisfaction of the Office of Environment and Heritage and the Tweed Shire Council. The strategy must quantify the biodiversity impacts of the quarry expansion using the BioBanking Assessment Methodology and identify the BioBanking biodiversity credit requirements required to offset the impacts of the proposal. The strategy must also identify the measures proposed to offset these impacts. If the measures include the securing of any identified offset site in perpetuity, then this strategy must identify a suitable mechanism to achieve this.

3. Insert new condition in Schedule B after Condition 1.1 which is numbered 1.2 which reads as follows to reflect the requirements for the REMP:
 - 1.2. Within 90 days of the issue of S96 DA04/0162.02 consent, the amended REMP prepared in accordance with those matters prescribed in new Attachment 1 forming part of this consent shall be submitted to and approved by Council. The amendments may be made as an attachment and/or addendum of the REMP. Where any conflict or inconsistency exists between the REMP and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.

4. Insert new condition in Schedule B after Condition 1.2 which is numbered 1.3 which reads as follows to reflect the requirements for the Restrictive Covenant:
 - 1.3. Within 90 days of the issue of S96 DA04/0162.02 consent a restrictive statutory covenant for conservation purposes in respect of the entire area described as 'Offset Area (15.08 ha)' shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus shall be created under s. 88B of the Conveyancing Act 1919 for the benefit of the Tweed Shire Council on the terms specified below:
 - a. The area described as 'Offset Area (15.08 ha)' must be subject to a habitat restoration program undertaken in accordance with an approved REMP and managed as a natural area for conservation purposes in perpetuity.
 - b. The following activities are not permitted within the 'Offset Area (15.08 ha)':

- i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent;
- ii. Erection of any fixtures or improvements, including buildings or structures;
- iii. Construction of any trails or paths unless otherwise approved by the NSW Rural Fire Service (or equivalent state agency) and Council;
- iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
- v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Offset Area; and
- vi. Performance of any other acts which may have detrimental impact on the values of the Offset Area.

Burden: Part Lot 28 DP1079480. Benefit: Tweed Shire Council

5. Insert new condition in Schedule B after Condition 1.3 which is numbered 1.4 which reads as follows to reflect the requirements for the new boundary to be surveyed:

1.4. Within 90 days of the issue of S96 DA04/0162.02 consent the following boundary lines as shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus shall be physically surveyed, clearly marked and delineated at regular intervals by a registered surveyor:

The 'Offset Area (15.08 ha)'; and
The 'Proposed Extraction Boundary (19 ha)'

6. Insert new condition in Schedule B after Condition 1.4 which is numbered 1.5 which reads as follows to reflect the requirements for separate approvals:

1.5. The applicant is required to seek under a separate application to the NSW Local Land Services (or equivalent state consent authority), approval for the removal of native vegetation regulated under the *Native Vegetation Act 2003* where:

- a. The native vegetation proposed to be removed occurs within the 'Proposed Extraction Boundary (19 ha)' shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* the 'plan' referred herein) yet not within the area identified on the plan as 'Approved Extraction Boundary (15.08 ha)' (pursuant to Condition 26A); and/or
- b. Where clearing is proposed within the 'Approved Extraction Boundary (15.08 ha)' as shown on the plan and is to exceed 2 ha per annum

7. Insert new condition in Schedule B after Condition 1.5 which is numbered 1.6 which reads as follows to reflect the requirements for an 88B Instrument until the BioBanking Agreement is in place:
 - 1.6. Upon entering into a BioBanking Agreement with the NSW Office of Environment and Heritage that involves securing in perpetuity the onsite Offset Area under the Threatened Species Conservation Act 1995, the Tweed Shire Council (as covenantee) will agree to revoke any 88B instrument (registered for conservation purposes under the Conveyancing Act 1919) that applies to that land.
8. Insert new condition in Schedule B after Condition 1.6 which is numbered 1.7 which reads as follows to reflect the requirements for a S68 Approval for onsite sewage management system:
 - 1.7. Within 90 days from the date of consent (DA04/0162.02) the applicant is required to lodge an application to operate any new onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a determination.
9. Insert new condition in Schedule B after Condition 1.7 which is numbered 1.8 which reads as follows to reflect the requirements for a S68 Approval for onsite sewage management system:
 - 1.8. In regard to DA04/0162.02 prior to the relocation of the amenities building the applicant is required to lodge an application to install/operate any new onsite sewage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with a determination. Any application shall be supported by design report prepared by a suitable qualified and experienced consultant.
10. Insert new condition in Schedule B after Condition 1.8 which is numbered 1.9 which reads as follows to reflect the requirements for a S68 Approval for onsite sewage management system:
 - 1.9. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the NSW Office of Environment & Heritage are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.
11. Delete condition 26 in Schedule B and replace it with a new proposed Condition 26A which updates the conditions to reflect the new plan:
 - 26A. No work (excluding rehabilitation) shall be undertaken beyond the 'Proposed Extraction Boundary (19 ha)' as shown on Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016

prepared by Groundwork Plus unless works are required by the NSW Rural Fire Service (or equivalent state agency) for bushfire hazard management and those works are concurrently approved by Council's General Manager or delegate.

12. Delete condition 27 in Schedule B (as noise barrier not required for adjoining site anymore) and replace it with a new proposed Conditions 27.1 and 27.2 which provides generic noise conditions leaving specific noise criteria to the NSW EPA:
 - 27.1. The LAeq, 15 min noise level emitted from the premises shall not exceed the adopted noise criteria of 37dB(A) during the approved operating hours at any affected residence as detailed in the Assessment of Noise and Dust Impacts prepared by MWA Environmental dated 17 November 2014.
 - 27.2. 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 that assesses compliance with the adopted noise criteria detailed in the Assessment of Noise and Dust Impacts prepared MWA Environmental dated 17 November 2014. The NIS is to be submitted to the satisfaction of the General Manager or delegate and is to include recommendations for noise attenuation if required. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's Authorised Officer.
13. Delete condition 32 in Schedule B and replace it with a new proposed Condition 32A which updates the condition to reflect the current provisions surrounding Native Vegetation removal with the relevant State Agency:
 - 32A. Any proposal to clear native vegetation in excess of 2ha per annum within the area shown as 'Approved Extraction Boundary (15.08 ha)' on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* (the 'plan' referred herein) yet not within the expanded area shown on the plan as 'Proposed Extraction Boundary' (pursuant to Condition 1.5) is to be the subject of a separate application to the NSW Local Land Services (or equivalent state consent authority).
14. Delete condition 36 in Schedule B relating to hours of operation as this is licenced by NSW EPA and detailed in the General Terms of Approval by NSW EPA which form part of this consent.
15. Delete condition 41 in Schedule B relating to noise levels and blasting criteria as this is licenced by NSW EPA and detailed in the General Terms of Approval by NSW EPA which form part of this consent.

16. Insert After Condition 43) – The NSW EPA – GENERAL TERMS OF APPROVAL as follows:

GENERAL TERMS OF APPROVAL UNDER SECTIONS 43(b), 48 and 55 OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 (Environment protection licence to authorise carrying out of scheduled activities at any premises)

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- *Development Application No.2015.069 submitted to Council on 30 September 2014 and attachments;*
- *Statement of Environmental Effects - Section Amendment to DA04/0162 and attachments.*

Discharges to Air and Water and Applications to Land

P1.1 The following utilisation areas referred to in the table below are identified in the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, for the purposes of the monitoring and/or setting of limits for any application of solids or liquids to the utilisation area.

<i>EPA Identification no.</i>	<i>Type of Monitoring Point</i>	<i>Type of Discharge Point</i>	<i>Location Description</i>
<i>Sediment Basin Discharge</i>	<i>Water</i>	<i>Water</i>	<i>Overflow point of stormwater from quarry floor</i>

Limit conditions

L1. Pollution of waters

Note: Mandatory condition

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the tablets (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the tablets.

L2.4 Water and/or Land Concentration Limits

DISCHARGE POINT 1 (Sediment Basin Discharge)

Pollutant	Units of measure	100% concentration
Total Suspended Solids	mg/L	50
pH	pH units	6.5-8.5
Oil and grease	mg/L	Nil

L2.5 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 82.5 mm in total falling over any consecutive five day period.

L2.6 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS prior to its use.

L2.7 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.

L2.8 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment Operations Act 1997, the applicant must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.

L2.9 If the applicant uses turbidity (NTU) in place of total suspended solids (TSS) to determine compliance with the EPA's general terms of approval, or a licence issued under the Protection of the Environment

Operations Act 1997, the applicant must provide the EPA with any amendments the applicant makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

L3. Waste

L3.1 The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 Noise from the premises must not exceed an LAeq (15 minute) noise emission criterion of 37 dB(A) for the nearest residential receivers as identified in Statement of Environmental Effects - Drawing 1, except as expressly provided by these general terms of approval.

L4.2 Noise from the premises is to be measured at nearest residential receiver as identified in the Statement of Environmental Effects - Drawing 1, that does not have written permission from the property owners for an exceedance of condition L4.1 has been provided to the EPA.

L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- Wind Speeds greater than 3 metres/second at 10 metres above ground level; or*
- Temperature inversion conditions up to 30 C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or*
- Temperature inversion conditions greater than 30Cf100m.*

L5. Blasting

L5.1 Blasting operations at the premises may only take place between 09:00 to 15:00 Monday to Friday. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the above mentioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority).

L5.2 The airblast overpressure level from blasting operations in or on the premises must not exceed:

- a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period;*

and

b) 120 dB (Lin Peak) at any time,

at any point within 1 metre of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to a private written agreement between the owner of the residence or noise sensitive location as to an alternative overpressure level.

L5.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:

a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and

b) 10 mm/s at any time,

at any point within 1 metre of any affected residential boundary or other noise sensitive location unless the location is owned by the licensee or is subject to a private written agreement between the owner of the residence or noise sensitive location as to an alternative ground peak velocity level.

L5.4 All sensitive receivers are to be given at least 24 hours' notice when blasting is to be undertaken.

L6. Hours of operation

L6.1 Activities covered by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must only be carried out between the hours of 7:30 am and 6:00 pm Monday to Friday, and 8:00 am and 1:00 pm Saturday, and at no time on Sundays and Public Holidays.

L6.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L6.3 The hours of operation specified in condition L6.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L6.4 Heavy vehicles (including excavators, haul trucks, loader and water carts) and machinery [including screening plant, jaw crusher, feed bin, cone crusher, rock drill, water pump and generator (genset)] cannot be started, maintained, arrive or leave the site or operated outside of operating hours as detailed in L6.1 and at no time on Sundays and Public Holidays."

Operating conditions

01. Dust

01.1 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

02. Processes and management

02.1 Sediment basins shall be treated, if required, to reduce the Total Suspended Solids level to the concentration limit of 50 mg/L provided by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, before being released to the environment. Treatment can be with gypsum or any other material that has been approved by the EPA.

02.2 The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

02.3 The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

02.4 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

02.5 The applicant must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

02.6 The applicant must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:

- a) the clear identification of each sediment basin and discharge point;*
- b) the collection of representative samples of the water discharged from the sediment basin(s); and c) access to sampling point(s) at all times by an authorised officer of the EPA.*

02.7 The applicant must endeavour to maximise the reuse of captured stormwater on the premises.

02.8 Each sedimentation basin must have a marker (the "sediment basin marker") that identifies the upper level of the sediment storage zone.

02.9 Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.

02.10 The sediment basins must meet the design and operational standards of Managing Urban Stormwater Soils and Construction: Volume 1 and Volume 2 E. Mines and quarries. This document requires that at a minimum 85 percentile five-day rainfall event be used to determine basin sizing for quarries.

02.11 All liquid chemicals, fuels and oils must be stored in tanks or containers inside suitable bund(s). Bund(s) are to be designed, constructed and maintained in accordance with AS1940-2004 Storage and Handling of Flammable and Combustible Liquids.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;*
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and*
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.*

M1.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;*
- b) the time(s) at which the sample was collected;*
- c) the point at which the sample was taken; and*
- d) the name of the person who collected the sample.*

M2. Requirement to monitor concentration of pollutants discharged

M2.1 The applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

POINT 1 Water and Land

Discharge point 1

<i>Pollutant</i>	<i>Units of measure</i>	<i>Frequency</i>
<i>Total Suspended Solids</i>	<i>mg/L</i>	<i>Special Frequency 1</i>
<i>pH</i>	<i>pH units</i>	<i>Special Frequency 1</i>
<i>Oil and grease</i>	<i>mg/L</i>	<i>Special Frequency 1</i>

< Special Frequency 1 > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 82.5 mm over any consecutive five day period.

M3. Testing methods - concentration limits.

M3.1 Subject to any express provision to the contrary of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4. Environmental monitoring

M4.1 The applicant is required to install and maintain a rainfall depth measuring device.

M4.2 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.

Note: The rainfall monitoring data collected in compliance with Condition M4.2 can be used to determine compliance with L2.4.

M6. Other monitoring and recording condition

M6.1 For the purposes of monitoring for compliance with the noise limit conditions of the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, (condition L4) noise emitted from the premises must be measured or computed at 30 metres from the nearest residential dwelling/s over a period of 15 minutes using the "FAST" response on the sound level meter. A modifying factor correction must be applied for tonal, impulsive, or intermittent noise in accordance with the document NSW Industrial Noise Policy (NSW EPA, January 2000).

M7. Blast Monitoring

M7.1 The time of blasting, the air-blast overpressure level from blasting operations and the ground vibration peak particle velocity from blasting operations must be measured at the nearest sensitive receiver for each blast.

Reporting conditions

Note: Mandatory condition to be used on all general terms of approvals

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be

required to submit load-based fee calculation worksheets with the return.

Special Conditions

E1. Noise and dust mitigation measures

E1.1 The applicant must implement all noise and dust mitigation measures recommended in the Statement of Environmental Effects - Attachment 6 -Assessment of noise and dust impacts of proposed modification of extraction boundary Tumbulgum Quarry Dulguigan, prepared by MWA Environmental dated 17 November 2014.

Noise mitigation measures to be implemented are to be found in section 2. 3.2 of the aforementioned Statement of Environmental Effects attachment.

Dust mitigation measures to be implemented are to be found in section 3.4 of the aforementioned Statement of Environmental Effects attachment.

E1.2 The noise and dust mitigation measures outline in condition E1.1 must be completed prior to the commencement of quarrying activities.

17. Insert (after GENERAL TERMS OF APPROVAL) ATTACHMENT 1 - CONDITIONS – REHABILITATION AND ENVIRONMENTAL MANAGEMENT PLAN (REMP) AMENDMENTS as follows:

ATTACHMENT 1
CONDITIONS – REHABILITATION AND ENVIRONMENTAL
MANAGEMENT PLAN (REMP) AMENDMENTS

As referenced in Condition 1.2 of the s96 Consent DA04/0162.02

The applicant shall amend the existing approved REMP being *Rehabilitation & Environmental Management Plan for Reedy Creek Quarry at Dulguigan Road North Tumbulgum dated December 2004 prepared by Jim Glazebok & Associates Pty Ltd* in accordance with all the amendment items detailed herein.

The amendments may be made as an attachment and/or addendum of the REMP. Where any conflict or inconsistency exists between the REMP and attachment and/or addendum (consistent with Attachment 1 of this consent) the provisions detailed in the later shall prevail.

To be clear, the following amendments have been based on review of the contemporary draft REMP being *Rehabilitation and Environmental Management Plan (REMP 2015) Version 5.0 dated May 2015 prepared by Groundwork Plus* submitted on the 19 May 2015 as part of the application material for DA04/0162.02

1. Amendment Item 1 General Provisions
 - a. All REMP components and reference to the quarry layout plan shall be consistent with and reflect the approved layout plan

- being *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus*
- b. Ensure consistency between any general provisions of the REMP and those stipulated in specific supplementary management plan sub-components described below
 - c. Remove reference to:
 - i. NSW National Parks & Wildlife Service concurrence requirements
 - ii. Survey requirements of the ecotone line - Monitoring shall be focussed on the progress of restoration effort and health of threatened flora species in accordance with the Habitat Restoration Plan (HRP) sub-component of the REMP (pursuant to the relevant provisions detailed below)
 - d. Section 3.10.4 Monitoring
 - i. The 'Monitoring Table' shall be modified to be consistent with the Vegetation Management Plan (VMP) and HRP sub-components of the REMP
 - ii. On-site *Endiandra muelleri ssp. bracteata* population monitoring shall be undertaken for the duration of quarry operations. Based on the monitoring an annual health status report shall be provided to Council's Natural Resource Management (NRM) Unit every year for the 5 (five) year HRP monitoring period and 2 (two) years thereafter.
 - e. Section 3.10.7 Corrective Action - This shall include consultation with Council's NRM Unit to ensure corrective actions are appropriate
 - f. Provide an updated Environmental Monitoring Summary Table (similar to that included in the REMP 2004) based on the detail provided in the supplementary plans

2. Amendment Item 2 Vegetation and Fauna Management Plan

A Vegetation and Fauna Management Plan ('V&FMP') shall be prepared by a suitably qualified ecologist to be implemented during the construction and operational phase of the development. The V&FMP shall be included as a sub-component of the REMP and detail the following:

- a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development
- b. Clearly identify the 'Proposed Extraction Boundary (19 ha)' (as shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* to ensure all necessary measures are implemented to:
 - i. Ensure works remain within the 'Proposed Extraction Boundary (19 ha)'
 - ii. Habitat beyond the 'Proposed Extraction Boundary (19 ha)' is afforded adequate protection during the construction and operational phase of quarry operations

- c. Details of all proposed infrastructure, site access and services
- d. Details of strategies and methods to be implemented to protect vegetation and habitat to be retained in accordance with the *Australian Standard AS 4970-2009 Protection of trees on development sites*
- e. Information on how the clearing will be undertaken including:
 - i. Whether the clearing will be undertaken in stages
 - ii. Special considerations for clearing (e.g. juvenile vegetation first)
 - iii. Time periods between clearing of staged areas (where applicable) or immature vegetation
 - iv. Direction of clearing
 - v. Details of erosion and sediment control measures to be employed prior to, or immediately following clearing activity
- f. Methods for the reuse of felled vegetation from the subject site (i.e. sensitively placing felled material where appropriate within retained areas to improve habitat values)
- g. Disposal methods for remaining debris after the above methods have been employed
- h. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc.) and description of fauna species known/likely to utilise habitat features
- i. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed)
- j. Considerations relating to time periods for when fauna is likely to be removed/flushed prior to clearing. Regard shall be given to nesting/roosting times when scheduling tree works
- k. Details of special equipment required (such as cameras, elevated platforms etc.)
- l. Identification of general locations that wildlife may be relocated/translocated to if required (based on habitat requirements and subject to any required licences/permits)
- m. Specify that all fauna management procedures shall be undertaken by a suitably qualified wildlife specialist who holds all necessary permits/licences issued by the NSW Department of Environment & Heritage (or equivalent agency at the time)
- n. Any long term fauna management requirements i.e. installation of nest boxes (where hollows are to be removed), removal of unnecessary barbed fencing or retrofitting to make fauna friendly
- o. Any other vegetation management measures as detailed in Section 5.0 of the *Further Ecological Assessment Tumbulgum*

*Quarry, Dulguigan NSW dated 07 May 2015 prepared by
BAMM Ecological Consultants*

3. Amendment Item 3 Long Term Voluntary Conservation Area Management Plan

A general long term Voluntary Conservation Area Management Plan (VCMP) sub- component for the area described as 'Offset Area (15.08 ha)' shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus* shall be incorporated into the REMP detailing all management measures and monitoring to be undertaken within the Offset Area in perpetuity (under a secure statutory mechanism). The VCMP sub-component shall include (but not be limited to):

- a. Description of the approved development including a plan showing the location of the Offset Area
- b. A description of how the document is to be read, including the purpose and intent of the Offset Area and general requirements at each phase of the development
- c. Schedule of prohibited activities within the Offset Area consistent with relevant conditions of the consent
- d. Detailed descriptions of the Offset Area including:
 - i. Topography
 - ii. Waterways, flow paths, gullies
 - iii. Vegetation communities and significant species
 - iv. Fauna habitat and significant species
 - v. Other significant features.
- e. Summary of requirements to be fulfilled by the proponent including:
 - i. Construction phase habitat protection requirements (vegetation and fauna management, sediment and erosion control)
 - ii. Rehabilitation, including summaries of rehabilitation activities (based on the Habitat Restoration Plan sub-component)
 - iii. Maintenance requirements including activities, timeframes and standards to be achieved following the five (5) year active establishment/maintenance phase
 - iv. Monitoring details including baseline data/photographs; and
 - v. Compliance/certification
- f. General information, including:
 - i. Duration of requirements / responsibilities;
 - ii. Checklists for Council to assess compliance with the VCMP sub-component (including remedial actions for non-compliance

4. Amendment Item 4 Habitat Restoration Plan

A Habitat Restoration Plan ('HRP') shall be prepared as a sub-component of the REMP for the entire 'Offset Area (15.08 ha)' as shown on *Dwg. No. 1374.044 Rev. 6 Extraction Boundary Alignment dated 02 May 2016 prepared by Groundwork Plus*

The HRP shall be prepared by a suitably qualified professional in accordance with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* (attached) to include the following information (but not be limited to):

- a. An appraisal of the present condition of remnant and regrowth vegetation
- b. A plan overlaying an aerial photograph of the site which divides the area into appropriate management zones
- c. A management strategy for each of the zones, using a combined 'Assisted Natural Regeneration' and 'Reconstruction' approach
- d. A schedule of local native plant species (necessary to re-establish the pre-clear vegetation community) including Glossy Black Cockatoo (*Calyptorhynchus lathamii*) feed trees (i.e. *Allocasuarina littoralis* and *A. torulosa*). Planting density shall be prescribed at one (1) plant per two (2) square metres in areas where a 'reconstruction' approach is adopted.
- e. Where 'Assisted Natural Regeneration' is applied natural recruitment must exceed one (1) plant per metre square
- f. A program of works to be undertaken to remove invasive weed species (noxious and environmental weeds);
- g. A schedule of timing of proposed works and frequency of activities developed to achieve site capture and meet both the short and long term objectives of the Offset Area
- h. A schedule of activities not permitted within the Offset Area consistent with relevant conditions of the consent
- i. Requirement for a Section 132C Licence issued under the *National Parks and Wildlife Act 1974*
- j. Management of domestic farm/feral animals (if appropriate) and any fencing/signage requirements to restrict access and increase landholder/public awareness
- k. Nomination of key performance indicators/criteria for monitoring purposes
- l. An active maintenance, monitoring and reporting schedule with developer commitment for a period of not less than five (5) years
- m. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of Council's General Manager or delegate for such changes.
- n. Incorporate threatened flora species monitoring and evaluation similar to that adopted in the REMP 2004

5. Amendment Item 5 Site Remediation Works

The applicant shall provide the following details in respect to progressive rehabilitation of internal quarry batters as shown on *Dwg. No. 1374.056 Rev.1* in *Rehabilitation Management Plan dated 05 May 2015 prepared by Groundwork Plus*:

- a. Clear schedule of timeframes for remediation activity and establishment and maintenance periods to achieve site capture and slope stabilisation
- b. Species list comprising 100% local native species suitable to the site and conditions
- c. Provide a 10 m x 10 m indicative planting palette showing one (1) plant per metre square.
- d. Provide details of performance criteria generally consistent with Council's *Draft Habitat Restoration Plan Preparation Guideline dated February 2012* requirements i.e. 90% success of planted stock, no environmental weed species present, growth of 1 m by year 3 and 1.5 m by year 5

9 [PR-PC] Unlawful Dwelling at Lot 1 DP 740293 No. 217 Sleepy Hollow Road, Sleepy Hollow

PROPOSED that Council engage solicitors to undertake enforcement actions to address the unlawful dwelling at Lot 1 DP 740293 No. 217 Sleepy Hollow Road, Sleepy Hollow.

10 [PR-PC] Report on the 2015-16 Local Heritage Assistance Fund and Future Funding

RECOMMENDED that:

1. Council receives and notes the summary of the outcomes of the 2015-16 Local Heritage Assistance Fund Grants program (LHAF);
2. Council supports the continuation of the Local Heritage Assistance Fund and Heritage Advisor Programs;
3. Consideration be given in the September 2016 Budget Review for the permanent inclusion of a total operating budget of \$18,000 towards the LHAF and \$16,000 towards the Heritage Advisor, noting that Council's annual budget commitment will increase by a small amount each year as the OEH grants decrease, as shown in Table 1 of this report, and not exceeding a total budget commitment of \$34,000 at the end of the grant period.

11 [PR-PC] Tweed Development Control Plan (DCP) Section A18 - Heritage

RECOMMENDED that:

1. Tweed Development Control Plan, Section A18 – Heritage (Heritage DCP), as amended in attachment 2 be adopted.
2. Public notification of the commencement of the adopted Tweed Development Control Plan, Section A18 – Heritage (Heritage DCP) be given in the Tweed Link within 28 days in accordance with Section 21(2) of the *Environmental Planning and Assessment Regulation 2000*.
3. A copy of the adopted Tweed Development Control Plan, Section A18 – Heritage (Heritage DCP) be referred NSW Department of Planning and Environment within 28 days of its commencement in accordance with Section 25AB of the *Environmental Planning and Assessment Regulation 2000*.

12 [PR-PC] Heritage Conservation and Demonstration Project 2015-16 Murwillumbah Town Centre Pilot Project - 'Look Up' Completion Report

RECOMMENDED that the summary of the outcomes of the Heritage Conservation and Demonstration Project 2015-16 Murwillumbah Town Centre Pilot Project - 'Look Up' be received and noted.

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

RECOMMENDED that Council notes the July 2016 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.16pm



**Minutes of Meeting Confirmed by Council
at the Meeting held on
xxx**

Chairman