



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Minutes

Planning Committee Meeting Thursday 4 February 2016

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

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

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

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

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The Meeting commenced at 5.00pm.

IN ATTENDANCE

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 Russ Merry (Acting Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

Cr G Bagnall was not present at the commencement of the meeting.

ELECTION OF CHAIR

P 1

Cr P Youngblutt

Cr C Byrne

RESOLVED that in the absence of both the Mayor and Deputy Mayor, it was determined by the remaining Councillors that Cr Polglase chair this evenings meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

ABORIGINAL STATEMENT

Cr Polglase (Chair) acknowledged the Bundjalung Aboriginal Nation with the following statement:

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

PRAYER

The meeting opened with a Prayer read by Cr Polglase (Chair).

APOLOGIES

Attendee Cr K Milne has informed the General Manager that her absence is caused by personal reasons

P 2

Cr W Polglase

Cr B Longland

RESOLVED that the apology of Cr K Milne be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt
PRESENT. DID NOT VOTE - Cr C Byrne
ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

Voting amended: refer Minute No 49 of Council Meeting 18 February 2016:

FOR VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt
AGAINST VOTE - Cr C Byrne
ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 [PR-PC] Development Application DA15/0585 for Site Remediation and Staged Development Comprising of Alterations and Additions to Existing Building, Use as a Natural Energy Centre, Industrial Fabrication, Cafe, Showroom, Office Space, New Shop and Residence at Lot 1 DP 228337; No. 6 Coolman Street Tyalgum**

P 3

Cr B Longland
Cr P Youngblutt

RECOMMENDED that Development Application DA15/0585 for a site remediation and staged development comprising of alterations and additions to existing building, use as a natural energy centre, industrial fabrication, cafe, showroom, office space, new shop and residence at Lot 1 DP 228337; No. 6 Coolman Street Tyalgum be approved subject to the following conditions:

GENERAL

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

Title	Prepared by	Dated
DA108 - Site Plan - Roof Plan Proposed	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA109 - Proposed Floor Plan	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA110 - Site Plan - Development Staging and Potential Subdivision (as amended in red)	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA113 - Coolman Street Elevation	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA114 - Site Section	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA201 - Buttery Floor Plan - Existing and Proposed Demolition	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA202 - Buttery Floor Plan - Proposed	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA203 - Buttery Elevations - North	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA204 - Buttery Elevations - East	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA205 - Buttery Elevations South	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA206 - Buttery Elevations - West	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA206 - Buttery Section AA	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA301 - Shop - Floor Plans	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA302 - Shop - Elevations	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA303 - Shop Section AA	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA401 - Residence Floor Plans	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA402 - Residence - Elevations	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA403 - Residence Elevations	Buro Two Architecture	Undated, submitted to Council 17 June 2015
DA404 - Residence - Sections	Buro Two Architecture	Undated, submitted to Council 17 June 2015

[GEN0005]

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

[GEN0115]

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

[GEN0135]

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

[GEN0190]

5. The 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]

6. This is a STAGED consent as follows:

Stage 1 constitutes the refurbished Buttery building as follows:

- showroom/café GFA: 160m²
- light industry GFA: 156m²
- commercial (office) GFA: 50m²

Stage 1 includes construction of the buttery access and car parking area.

Stage 2 constitutes a new building as follows:

- shop GFA: 60m²
- deck GFA: 13m²
- residence GFA: 135m²
- deck (for residence) GFA: 36m²
- garage GFA: 49m²

Stage 2 includes construction of the residence access/parking and shop car parking spaces.

7. 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 for the following required works: -

(a) Provision for a driveway access and associated works for Stage 1 and Stage 2 in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design Specification June 2004.

(b) Access, parking and manoeuvring shall be designed to accommodate a heavy rigid vehicle (HRV) of up to 12.5m in length in accordance with Australian Standard AS2890.2 - Off-street commercial vehicle facilities.

(c) The proposed car park, delivery service area and access from the existing road carriageway to the property boundary shall be bitumen or concrete sealed in

accordance with Section A2 - "Site Access and Parking Code".

- (d) Disabled car parking shall be designed in accordance with Australian Standard AS2890.6 - Off street parking for people with disabilities.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[GENNS01]

8. A concrete footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site in accordance with Council's Development Design and Construction Specifications and Standard Drawing SD013.

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

9. The 2m and 3m recycled brick walls around the new dwelling courtyard are to be articulated to provide relief from the massing of the walls with details to be forwarded for approval prior to the release of a construction certificate. This may include the integration of landscape elements in front of the wall. In this regard a similarly scaled tree to that currently situated at the property boundary shall be utilized to soften the visual impact of the acoustic barrier walls.
10. This consent does not approve any signage which must be subject to separate development consent.
11. This consent does not approve any landscaping within Council's road reserve at the front of the development site.
12. Access to the Rural Fire Service shed must be provided through the site at all times unless an alternative access arrangement to the shed is provided by the Rural Fire Service.
13. The development shall comply at all times with the Waste Management Plan submitted with the application.
14. Measures for bushfire protection shall comply with the recommendations of the Bushfire Hazard Assessment prepared by Bushfire Safe (Aust) Pty Ltd dated May 2015 and additional information supplied by Bushfire Safe (Aust) dated 16 December 2015 including amended site layout plan detailing the required asset protection zones.

[GENNS02]

No part of any asset protection zone is permitted over the adjoining Council managed land to the east.

15. Under the *National Parks and Wildlife Act 1974* all native mammals, birds, reptiles and amphibians, and many native plant species, are protected in NSW. The applicant is to be aware of responsibilities under the aforementioned legislation. Where tree removal is likely or expected to disturb, injure or negatively threaten/maim native fauna a suitably qualified and licensed (by the NSW Office of Environment & Heritage) expert in fauna management shall be engaged to oversee tree works.
16. Separate consent shall be sought for the use of the Stage 2 shop.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

17. 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]

18. 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.

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

[PCC1255]

20. 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]

21. 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]

22. Prior to the issue of a construction certificate, should the Stage 2 development require a private sewer ejection pumping station to discharge sewage to the existing sewer

junction on the eastern boundary, the applicant is required to lodge an application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993 shall be accompanied by three copies of detailed hydraulic design report certified by a qualified hydraulic engineer and shall address the following criteria:

- * System type and specifications including pump-well volume, pump specifications and rising main size, length and location.
- * Details of operation and maintenance
- * The sewer pump is to be constructed in a flood proof well with electrical equipment located above 1 in 100 flood level.

Any approval to install an on site sewerage treatment system (private ejection pump station) shall comply with the hydraulic design specifications as certified by a qualified Hydraulic Engineer including all recommendations of that report and any addendum to the report to the satisfaction of Councils General Manager or his delegate.

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

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

[PCC1325]

24. Prior to the construction certificate being issued for Stage 1 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council for assessment and approval, accompanied by a completed Application for Approval of Food Premise Fit out 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:

1. Floor plan
2. Layout of kitchens and bar showing all equipment
3. All internal finish details including floors, wall, ceiling and lighting
4. Hydraulic design in particular method of disposal of trade waste
5. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required

25. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.

26. A detailed landscape plan prepared by a suitably qualified landscape architect or landscape consultant shall be submitted and approved prior to the commencement of any works onsite or prior to issue of a construction certificate whichever occurs first. The detailed landscape plan shall be of suitable scale and generally consistent with *Landscape Concept - Plummer and Smith dated 10 June 2015* (excluding landscaping in the road reserve) and include the following site specific details:

- a. Demonstrated landscape treatment to improve aesthetic amenity of the acoustic barrier wall and incorporate compensatory planting for the loss of any existing mature trees shown on the Concept Landscape Plan to be provided at a ratio of 1:1 using local native 80L stock.
- b. Location and details of tree protection fencing in accordance with *Australian Standard AS 4970-2009 - Protection of trees on development sites* for any trees proposed to be retained (if applicable).
- c. A detailed plant schedule and plan at a suitable scale indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site (if applicable). The plan is to include a detailed plant schedule which shall include:
 - i. Species listed by botanical and common names, with the 80% of plants constituting suitable local native species and no noxious or environmental weed species;
 - ii. Specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods (if applicable); and
 - iii. Maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including maintenance schedule for a minimum period of one year after completion of landscaping on site.
- d. All landscaping is to be compliant with *Planning for Bushfire Protection 2006*.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

27. 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]

28. 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]
29. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
30. Residential building work:
- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- [PCW0235]
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. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

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

- [PCW0375]
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]
35. 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

36. 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]

37. 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]

38. 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]

39. 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]

40. 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]

41. 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]

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

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

[DUR0645]

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

[DUR0905]

44. Provision to be made for a flood free storage area (above 55.2m AHD) for stock and equipment susceptible to water damage. Water resistant materials shall be utilised for the Buttery renovation works below the Design Flood Level.

[DUR1395]

45. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

46. The habitable floor area of the dwelling is to be at a level not less than RL 55.7m AHD. [DUR1435]
47. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
48. 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]

49. 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]

50. 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]

51. 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]

52. 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]

53. 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]

54. 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]
55. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011. [DURNS01]
56. Prior to demolition of the structure is commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is appropriately licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request). [DURNS02]
57. Written notice shall be provided to the 'regulator' at least 5 days before the removalist commences licensed asbestos removal work in accordance with Clause 466 of the Work Health and Safety Regulation 2011. [DURNS03]
58. Prior to demolition work commencing a sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site. The sign shall remain in place until all asbestos has been removed from the site. [DURNS04]
59. Prior to the commencement of construction of the new structure or use of the site a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the principal certifying authority and Council within 7 days of completion of the 'clearance inspection'. [DURNS05]
60. All remediation works shall comply with the Preliminary Site Investigation, Detailed Site Investigation and Remediation Action Plan prepared by HMC Environmental Consulting Pty Ltd dated August 2015. [DURNS06]
61. Upon completion of the remediation works Tweed Shire Council shall be provided with a Validation Report in accordance with the Preliminary Site Investigation, Detailed Site Investigation and Remediation Action Plan prepared by HMC Environmental Consulting Pty Ltd dated August 2015 to the satisfaction of the General Manager or delegate. Construction works including the importation of clean fill material shall not be undertaken until the Validation Report is approved by the General Manager or delegate. The validation report shall include further groundwater investigations to provide evidence that groundwater contamination has not occurred since the previous investigation was undertaken in 2013.
62. Access and use of the Council managed lands to the north and east is not permitted. [DURNS07]
-

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

63. 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]

64. 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]

65. Section 94 Contributions

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

Prior to the occupation of the Stage 2 building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

*The Stage 2 charges include reductions for the Minister's S94 Contribution Cap for the residential component.

Stage 1

(a) Tweed Road Contribution Plan:	
23.22 Trips @ \$2666 per Trips	\$61,905
(\$2,534 base rate + \$132 indexation)	
S94 Plan No. 4	
Sector13_4	

Stage 2

(a)	Tweed Road Contribution Plan: 15.83693 Trips @ \$2666 per Trips	\$42,221
	(\$2,534 base rate + \$132 indexation)	
	S94 Plan No. 4	
	Sector13_4	
(b)	Open Space (Casual): 0.72 ET @ \$552 per ET	\$397
	(\$502 base rate + \$50 indexation)	
	S94 Plan No. 5	
(c)	Open Space (Structured): 0.72 ET @ \$632 per ET	\$455
	(\$575 base rate + \$57 indexation)	
	S94 Plan No. 5	
(d)	Shirewide Library Facilities: 0.72 ET @ \$851 per ET	\$613
	(\$792 base rate + \$59 indexation)	
	S94 Plan No. 11	
(e)	Bus Shelters: 0.72 ET @ \$66 per ET	\$48
	(\$60 base rate + \$6 indexation)	
	S94 Plan No. 12	
(f)	Eviron Cemetery: 0.72 ET @ \$124 per ET	\$89
	(\$101 base rate + \$23 indexation)	
	S94 Plan No. 13	
(g)	Community Facilities (Tweed Coast - North) 0.72 ET @ \$1411 per ET	\$1,016
	(\$1,305.60 base rate + \$105.40 indexation)	
	S94 Plan No. 15	
(h)	Extensions to Council Administration Offices & Technical Support Facilities	
	0.9366 ET @ \$1888.66 per ET	\$1,768.92
	(\$1,759.90 base rate + \$128.76 indexation)	
	S94 Plan No. 18	

- (i) Regional Open Space (Casual)
0.72 ET @ \$1108 per ET \$798
(\$1,031 base rate + \$77 indexation)
S94 Plan No. 26
- (j) Regional Open Space (Structured):
0.72 ET @ \$3890 per ET \$2,801
(\$3,619 base rate + \$271 indexation)
S94 Plan No. 26

[POC0395/PSC0175]

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

[POC0435]

67. 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]

68. 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]

69. 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 for the relevant stage.

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

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

Stage 1

Water DSP8:	0.17 ET @ \$13128 per ET	\$2,231.80
Sewer Tyalgum:	1.08 ET @ \$6307 per ET	\$6,811.60

Stage 2

Water DSP8:	0.638 ET @ \$13128 per ET	\$8,375.70
Sewer Tyalgum:	0.788 ET @ \$6307 per ET	\$4,969.90

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

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

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

70. 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]
71. Prior to issue of the occupation certificate for the Stage 2 dwelling certification shall be provided by a suitably qualified and experience consultant stating that the dwelling has been constructed in accordance with the recommendations of the Environmental Noise Impact Report prepared by CRG Acoustics Pty Ltd dated October 2015 relating to acoustically treated windows and doors. [POCNS01]
72. Prior to issue of the occupation certificate for the Stage 2 dwelling certification shall be provided by a suitably qualified and experience consultant stating that the acoustic barriers recommended in the Environmental Noise Impact Report prepared by CRG Acoustics Pty Ltd dated October 2015 (Sketch No.1) have been installed. [POCNS02]
73. Prior to issue of the occupation certificate for Stage 1 certification shall be provided by a suitably qualified and experience consultant stating that the acoustic barriers recommended in the Environmental Noise Impact Report prepared by CRG Acoustics Pty Ltd dated October 2015 (Sketch No.1 - 3.0m (Green barrier) and 2.6m (Red barrier)) have been installed. The 3.0m (Green) barrier must be extended to the dining stairs adjacent to the loading bay and courtyard to the satisfaction of Council's General Manager or delegate. [POCNS03]

USE

74. 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]
75. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises. [USE0145]
76. 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]
77. 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]
78. 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]

79. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report prepared by CRG Acoustics Pty Ltd dated October 2015.

[USE0305]

80. 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]

81. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

82. 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]

83. Hours of operation are restricted to 7am to 6pm, 7 days per week for the shop, café and showroom, and 7am to 6pm Monday to Friday for the workshop.

[USENS01]

84. Amplified music shall be limited to a maximum level of 70 dB(A) at 1m from any speaker within the development. All speakers are to face internal to the building and away from windows and doors.

[USENS02]

85. No amplified music is permitted outside of the buildings.

[USENS03]

86. All manufacturing activity shall be limited to inside the workshop space. Only loading operations and materials storage are to occur in the roofed outdoor space.

[USENS04]

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000

Plans, standards and guidelines

1 These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA15/0585 and provided by Council.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

2 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3 The consent holder must prepare or commission the preparation of:

(i) Works Schedule

(ii) Erosion and Sediment Control Plan

4 All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.

(i) Outlet structures

5 The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

Rehabilitation and maintenance

6 The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.

7 The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.

Reporting requirements

8 The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

Security deposits

9 NA

Access-ways

10 NA

11 NA

Bridge, causeway, culverts, and crossing

12 NA

13 NA

Disposal

14 The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.

Drainage and Stormwater

15 The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

16 The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

Erosion control

17 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

18 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

19 N/A

Maintaining river

20 The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.

21 NA

River bed and bank protection

22 NA

23 NA
Plans, standards and guidelines
24 NA
25 NA
26 NA
27 NA
Groundwater
28 NA
END OF CONDITIONS

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

2 [PR-PC] Development Application DA15/0916 for Cobaki - Precinct 6 Fauna Corridor and Culvert Crossings at Lot 1 DP 570076, Lots 54, 199 & 200 DP 755740; Piggabeen Road, Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lot 46, 55, 201, 202, 205, 206, 209, 228 & 305 DP 755740 Sandy Lane Cobaki Lakes

P 4

Cr P Youngblutt
Cr C Byrne

RECOMMENDED that Development Application DA15/0916 for Cobaki - Precinct 6 fauna corridor and culvert crossings at Lot 1 DP 570076, Lots 54, 199 & 200 DP 755740; Piggabeen Road, Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lot 46, 55, 201, 202, 205, 206, 209, 228 & 305 DP 755740 Sandy Lane Cobaki Lakes be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - Dwg A443-C-6-0001 Rev A prepared by Sedgman and dated 04/09/15;
 - Dwg A443-C-6-0100 Rev C prepared by Sedgman and dated 28/10/15;
 - Dwg A443-C-6-0200 Rev C prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0201 Rev C prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0202 Rev A prepared by Sedgman and dated 04/09/15;
 - Dwg A443-C-6-0300 Rev C prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0301 Rev C prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0302 Rev C prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0303 Rev C prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0304 Rev B prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0305 Rev D prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0306 Rev D prepared by Sedgman and dated 16/10/15;
 - Dwg A443-C-6-0400 Rev B prepared by Sedgman and dated 24/09/15;

- Dwg A443-C-6-0401 Rev B prepared by Sedgman and dated 29/09/15;
 - Dwg A443-C-6-0402 Rev D prepared by Sedgman and dated 28/09/15;
 - Dwg A443-C-6-0403 Rev D prepared by Sedgman and dated 28/09/15;
 - Dwg A443-C-6-0404 Rev C prepared by Sedgman and dated 29/09/15;
 - Dwg A443-C-6-0406 Rev B prepared by Sedgman and dated 28/09/15;
 - Dwg A443-C-6-0407 Rev B prepared by Sedgman and dated 28/09/15;
- except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.
[GEN0045]
3. The development 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.
5. 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.)

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".

6. The application of a Subdivision Certificate, registration of the associated linen plan and dedication of the fauna corridor to Council will be under separate consent.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Prior to the issue of a Construction Certificate for Subdivision Works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Principle Certifying Authority. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - a) Hours of work;
 - b) Contact details of site manager;
 - c) Traffic and pedestrian management;
 - d) Noise and vibration management;
 - e) Construction waste management;
 - f) Erosion and sediment control; and,

g) Flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Principle Certifying Authority, stage the submission of the Construction Environmental Management Plan (CEMP) consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

8. Prior to the issue of a Construction Certificate for Subdivision Works, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment. [PCC0125]

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 applicable Subdivision Certificate is issued.

9. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided. [PCC0275]

10. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes 17° (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan (in accordance with the approved SRRP and consistent with the approved Stormwater Management Plan for the Cobaki Estate Development) and endorsed by Council. This Plan shall accompany the Construction Certificate application. [PCC0285]

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision. [PCC0455]

11. 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 Council for the approval of the General Manager or his delegate.

[PCC0465]

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

[PCC0495]

13. Prior to the issue of a Construction Certificate, a Detailed *Geotechnical Investigation* shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer.

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

[PCC0500]

14. 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]

15. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within any road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Construction of the fauna corridor culvert crossings or retro-fitting of similar features within any existing road reserve, as well as any approach embankments within the road reserve. For relevant design requirements, see separate 'PCC' condition at the end of this sub-section of the Consent.

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

- Road works/furnishings
- Stormwater drainage
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable)

[PCC0895]

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

- (a) copies of compliance certificates relied upon
- (b) Detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
 - earthworks
 - stormwater drainage
 - landscaping works
 - sedimentation and erosion management plans

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

[PCC0985]

17. 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) It is encouraged that the stormwater and site works incorporate water sensitive design principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken

[PCC1105]

18. 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]

19. 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]

20. Prior to the issue of a Construction Certificate for the proposed works, the following matters are to be satisfactorily addressed:

1. Culvert redesign: the nominated 3-cell culvert systems require further assessment to ensure the following matters have been satisfactorily addressed:
 - a. Loss of cross-sectional area due to the fauna ledges, as well as the timber boardwalks.
 - b. Include obstruction factor for the elevated timber boardwalks: incorporate debris loading and turbulence considerations.
 - c. No allowance for blockage has been made in the current preliminary design (generally 20% required: see D5.14 and QUDM Section 10.4).
 - d. Minimum internal freeboard of 0.5m required to the Q100 year TWL within the culvert systems.
 - e. Demonstrate that unacceptable afflux will not occur upstream of the culverts.
 - f. Submission of supporting hydraulic / hydrologic calculations to verify that all above matters have been satisfactorily addressed, as well as nominating the actual TWL's (Q3 month, Q2 year and Q100 year) nominated on sheets 0406 and 0407 of the engineering drawings by Sedgman.
 - g. The elevated timber boardwalks shall:
 - i. Be designed for a simple side profile to minimise the obstruction to the cross-sectional waterway area of the culvert system, with particular attention given to any supporting bracket system.
 - ii. The method of fixing the boardwalks / support brackets to the inside of the culvert system must consider and be designed to cater for the stormwater flow velocities through the culverts, as well as extra stresses resulting from debris loading.
 - iii. The boardwalks are to be elevated as high as possible within the culvert systems to afford the highest level of stormwater immunity, while still facilitating appropriate fauna passage.

NOTE: the above may necessitate a wider culvert system or inclusion of a fourth cell.

2. Batter slopes: some batter slopes shown on the typical cross sections exceed TSC maximum slope of 1 in 4. In addition, the 1 in 2 batter slopes shown on the cross sections for the open channel do not comply. Any non-compliance will need to be rectified accordingly.

All batter slopes steeper than 1 in 4 are to be provided with low maintenance vegetation or hard surfacing of the batter, unless specifically nominated in relevant Landscaping Plans or previously approved Management Plans for the site. Appropriate details are to be included with the application for a Construction Certificate.

3. Separate approval: if any of the above-mentioned works are to be undertaken within existing dedicated road reserves, then those works will require separate approval from Council under Section 138 of the Roads Act.

[PCCNS01]

21. Prior to the issue of a Construction Certificate, detailed design drawings of fauna exclusion fencing and access gates are to be submitted to and approved by Council.
22. Prior to the issue of a Construction Certificate, there is to be a resolution of the inconsistency between the proposed development and the existing approved Management Plans with regard to the proposed vegetation community to be created within the corridor.
23. Prior to the issue of a Construction Certificate, updates to relevant existing approved Management Plans relating to the fauna corridor within Precinct 6 will be required with regard to timing, responsibilities and performance measures for works within the fauna corridor. All amendments to the Management Plans are to be approved by Council.
24. Prior to the issue of a Construction Certificate, DA10/0801 must be modified where relevant, pursuant to Section 80A(1) of the EP&A Act 1979 (as amended) and Regulation, to be consistent with this consent.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

25. 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]

26. 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 an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NER (civil) registration. Documentary evidence is to be provided to Council demonstrating current NER accreditation, and

- (iii) has notified the Consent Authority and the council (if the council is not the Consent Authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the applicable 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]

27. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

28. 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]

DURING CONSTRUCTION

29. 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]

30. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

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. 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]

34. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

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

The earthworks and filling shall also be undertaken in accordance with the recommendations provided in the *Geotechnical Investigation* (as required by Consent Condition 13) and monitored by a Registered Geotechnical Testing Consultant.

[DUR0795]

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

[DUR0815]

37. 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]

38. 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 the applicable Subdivision Certificate.

[DUR0995]

39. 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]
40. 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]
41. 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]
42. The proponent must not undertake any work within a 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]
43. 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 the applicable Subdivision Certificate.
- [DUR1875]
44. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
- [DUR1885]
45. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Drainage

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

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

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

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

[DUR1895]

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

[DUR2015]

47. Fauna Corridor

(a) The proposed fauna corridor is to be dedicated to Council at no cost.

[DUR2295]

48. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

49. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[DUR2575]

50. Dust and Erosion Management

(a) Site earthworks are to be limited to a 5ha maximum at any time to reduce exposed areas. Completed area's are to be topsoiled and seeded immediately to protect them from water and wind erosion.

(b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

(c) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

51. Prior to issue of a Subdivision Certificate that will dedicate the Fauna Corridor to Council, all works/actions/inspections etc required by other conditions or approved management plans or the like associated with this consent shall be completed in accordance with those conditions or plans.

[PSC0005]

52. Prior to the issue of a Subdivision Certificate that will dedicate the Fauna Corridor to Council, a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

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

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

[PSC0215]

53. A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of the Subdivision Certificate to dedicate the fauna corridor to Council.

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

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

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

1. All earthworks and filling have been inspected to a Level 1 standard in accordance with AS 3798 (current version) and in accordance with the recommendations of the detailed *Geotechnical Investigation* (as required by Consent Condition 12).
2. All surface movement (y_s) has achieved rates that are consistent with a site classification M as defined by AS 2870 (current version).

[PSC0395]

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

[PSC0725]

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

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

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

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

[PSC0735]

57. A Subdivision Certificate that will dedicate the Fauna Corridor to Council, will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Easements to establish legal point(s) of discharge for stormwater drainage associated with the fauna corridor.

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

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

[PSC0835]

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

[PSC0855]

60. Prior to registration of the plan of subdivision that will dedicate the Fauna Corridor to Council, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

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

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

[PSC0885]

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

- (a) Drainage / Drainage Structures
- (b) Bulk Earthworks

Note:

1. All compliance certificate applications for Subdivision Works must be accompanied by documentary evidence from the developers Certifying Engineer, certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

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

[PSC0925]

63. A formal asset handover of any associated water quality control devices is to be implemented at the completion of the maintenance period ("Off Maintenance"), whereby all relevant stakeholders will inspect the device and be issued with a current operational manual for the device.

[PSC1025]

64. Prior to the issue of a Subdivision Certificate that will dedicate the Fauna Corridor to Council, and also prior to the end of defects liability period, a CCTV inspection of any stormwater structure installed and to be dedicated to Council including joints and junctions will be required in accordance with Council's Construction Specifications to demonstrate that the standard of the infrastructure is acceptable to Council.

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

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

[PSC1065]

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

3 [PR-PC] Northern Joint Regional Planning Panel - Proposed Temporary Extension of Council Appointed Panel Members

P 5

Cr P Youngblutt

Cr B Longland

RECOMMENDED that:

1. Council endorses that the appointment of the current two panel members and one alternative member as Council's representatives in the Northern Region Joint Planning Panel be extended up until 30 June 2017;
2. Prior to 30 June 2017, an expressions of interest process be conducted to assess new Council appointments; and
3. The Department of Planning and Environment and Council's current local appointees be advised of this decision.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

4 [PR-PC] Tweed Development Control Plan (DCP) Section B27: 61 Marana Street Bilambil Heights

P 6

Cr C Byrne

Cr P Youngblutt

RECOMMENDED that:

1. Draft Tweed DCP Section B27 – 61 Marana Street Bilambil Heights be adopted for inclusion in the Tweed DCP 2008 in accordance with Section 21 of the *Environmental Planning and Assessment Regulation 2000*.
-

2. Public notification of the commencement of the Draft Tweed DCP Section B27 – 61 Marana Street Bilambil Heights 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 Draft Tweed DCP Section B27 – 61 Marana Street Bilambil Heights be referred to the 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*.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

- 5 [PR-PC] Planning Proposal PP10/0005 98 Old Lismore Road, Murwillumbah (Subject Site) and Review of the Hundred Hills Release Area (Housekeeping Review), Being Amendment No 13 to the Tweed Local Environmental Plan (LEP) 2014**

P 7

**Cr B Longland
Cr P Youngblutt**

RECOMMENDED that:

1. Planning Proposal PP10/0005 be held in abeyance pending further information regarding stormwater and drainage as detailed within this report, and which is to be submitted within (6) six weeks of the date of this resolution;
2. Subject to point No.1 first being satisfied, the Planning Proposal PP10/0005 is to be updated as necessary and referred to the Minister for Planning and Environment for the Plan to be made under Section 59 of the *Environmental Planning and Assessment Act 1979*; and
3. If the information required to be submitted under point No.1 is not provided within the required timeframe for submission the Planning Proposal, excluding those matters of a 'house-keeping' nature, is to be held in abeyance pending reconsideration as part of the Strategic Planning & Urban Design Unit's annual Work Plan review.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

6 [PR-PC] Rural Villages Strategy

P 8

**Cr B Longland
Cr P Youngblutt**

RECOMMENDED that the:

1. Tweed Rural Villages Strategy be adopted;
2. Actions within the adopted Strategy be referred to the relevant areas of responsibility within Council to be programmed for implementation, as a priority; and
3. Director Planning and Regulation is to provide an annual report on the implementation of the adopted Strategy.
4. General Manager passes on the Councillors gratitude to the Tweed Rural Villages Reference Panel Members for their service and commitment to the broader Tweed Community through their dedication and participation in the development of the Strategy. Although formally concluding the term of the Reference Panel and the tenure of Panel Members, Council looks forward to carrying out its commitment to convene and Chair periodic meetings between the Villages' to assist with collaborative networking and implementation of community actions over a further 12 month period.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

7 [PR-PC] Planning Proposal PP15/0006 for River Retreat Caravan Park

P 9

**Cr P Youngblutt
Cr B Longland**

RECOMMENDED that:

1. Planning Proposal PP15/0006 for part of Lot 1 DP 100121, being Tweed Local Environmental Plan 2014 Amendment No 18, be prepared for forwarding to NSW Planning & Environment with a request that the Plan be made under s.59 of the *Environmental Planning and Assessment Act 1979* subject to Resolution No.2 first being satisfied.
 2. Prior to forwarding LEP Amendment No 18 to the NSW Planning & Environment, a Planning Agreement specifying the agreed future use and duration of that use be prepared in accordance with Section 93(G) of the *Environmental Planning and Assessment Act 1979* and registered on the Torrens Title Register for Lot 1 DP 100121, Philp Parade, Tweed Heads South.
-

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

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

P 10

Cr B Longland

Cr C Byrne

RECOMMENDED that Council notes the December 2015/January 2016 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr G Bagnall, Cr K Milne

There being no further business the Planning Committee Meeting terminated at 5.16pm.

