

The Meeting commenced at 4.30pm.

## **IN ATTENDANCE**

Administrators Mr Frank Willan (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Patrick Knight (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Geoff Edwards (Acting Director Environment & Community Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary)

## **CONDOLENCES**

The Administrators expressed condolences to Mike Rayner, General Manager on the recent loss of his mother.

## **ABORIGINAL STATEMENT**

Administrator Willan 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 of these lands."*

## **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Rev'd Colin G Tett, Anglican Parish of Murwillumbah:

*"Almighty and ever-living God, give wisdom and understanding to the Administrators of the Tweed Shire Council Frank Willan, Lucy Turnbull and Max Boyd, and to all Council officers and employees.*

*Teach them in all things to first seek your honour and glory, and then to serve the people of the Tweed.*

*May they perceive what is right, have courage to pursue it, and grace to accomplish it, through Jesus Christ our Lord. Amen."*

## **RECOGNITION OF SERVICE**

Administrator Frank Willan congratulated and thanked Reg Norvill for his 40 years of service with Tweed Shire Council and wished him well in his forthcoming retirement.

## **CONFIRMATION OF MINUTES**

**Minutes of the Ordinary and Confidential Council Meeting held Tuesday, 26 September 2006**

### **198 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday, 26 September 2006 be adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

Nil.

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

### **199 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RESOLVED** that:

1. Confidential Item 3 be considered by the Operations Committee;
2. Confidential Item 5 be considered by the Planning Committee.

**FOR VOTE - Unanimous**

**PLANNING COMMITTEE**

**200 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Turnbull.

**FOR VOTE - Unanimous**

**REPORTS THROUGH GENERAL MANAGER**

**REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT**

**P3 [PD-PC] Development Application DA06/0933 for Road Reconstruction, Stormwater Works and Construction of Parking Bays and Footpaths at Riverside Drive & Tweed River, Tumbulgum**

The following persons addressed the Planning Committee:

Mr David Bennett, Tumbulgum Residents Association  
Mr Anthony Shirley

**P 147 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that Development Application DA06/0933 for road reconstruction, stormwater works and construction of parking bays and footpaths Riverside Drive & Tweed River, Tumbulgum be approved subject to the following conditions:

**GENERAL**

1. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 5.00 pm Monday to Saturday and no work on Sundays or public holidays.

[GENNS01]

2. The development shall be completed in accordance with the Statement of Environmental Effects prepared by the Tweed Shire Council Design Unit and dated August 2006 and Drawing Nos WK05067/01 - WK05067/26 prepared by Tweed Shire Council Design Unit and dated January 2006, except where varied by the conditions of this consent.

[GEN0005]

- 2a. The boat and trailer spaces next to the jetty be determined by Administrator Boyd, after further consideration of their appropriateness for the parking of boats and trailers.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
  - roadworks/pavement design/furnishings
  - stormwater drainage
  - water supply works
  - sewerage works
  - landscaping works
  - sedimentation and erosion management plans
  - location of all service conduits (water, sewer, Country Energy and Telstra)

Note: 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]

**PRIOR TO COMMENCEMENT OF WORK**

4. Prior to the commencement of works all the required sediment & erosion control measures are to be installed and operational to the satisfaction of Council's Environment and Health Services Unit.

[PCWNS01]

5. Work in accordance with a development consent must not be commenced until:-

- (a) a construction certificate for the work has been issued in accordance with Councils adopted Development Design and 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, and
  - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, 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 work.

[PCW0815]

### **DURING CONSTRUCTION**

6. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

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

[DUR1025]

8. Regular inspections are to be carried out by the site supervisor to ensure that proper sediment & erosion control measures are maintained during construction.

[DURNS01]

**GENERAL TERMS OF APPROVAL UNDER SECTION 219 OF THE FISHERIES MANAGEMENT ACT (Permit to (a) set a net or (b) construct or alter a dam floodgate causeway or weir or (c) otherwise create an obstruction across or within a bay inlet river or creek or across or around a flat)**

1. A permit under s198-202 of the Fisheries Management Act 1994 for dredge and reclamation activities be obtained prior to commencement of the works or demonstration to DPI of approval for the specified works from another public authority (other than a local Council).
2. A permit under s205 of the Fisheries Management Act 1994 for harm to marine vegetation (seagrass, mangroves, kelp) be obtained prior to commencement of the works if works are to harm marine vegetation.
3. Environmental safeguards (silt curtains, booms etc.) are to be utilised during construction/installation of the revetment wall to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works.

4. Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless surrounded by sediment control measures.

**FOR VOTE - Unanimous**

**P10 [PD-PC] Development Application DA06/0358 for a Residential Aged Care Building at Lot 736 DP1072580 No. 1 Mylestom Circle; Lot 605-609 DP 1062587 Nos. 3, 5, 7, 9, 11 Mylestom Circle & Lots 730-735 DP 1072580, Nos. 41, 43, 45, 47, 49, 51 Ballina Street, Pottsville**

The following persons addressed the Planning Committee:

Mr David Anderson  
Mr Peter Robson  
Mr Robert Sinclair

**P 148 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that:-

- A. Development Application DA06/0358 for a residential aged care building at Lot 736 DP 1072580 No. 1 Mylestom Circle; Lots 605-609 DP 1062587 Nos. 3, 5, 7, 9, 11 Mylestom Circle & Lots 730-735 DP 1072580, Nos. 41, 43, 45, 47, 49, 51 Ballina Street, Pottsville be approved subject to the following conditions:-

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA05-DA19 Project No. IA 0106 prepared by Ilium Projects and dated March 2006, except where varied by the conditions of this consent.  
[GEN0005]
2. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

The application shall include detailed engineering plans and specifications relevant to but not limited to the following works: -

- (a) Road surfacing, including whole of life costing (minimum 40 years), manufacturer's specifications for performance, wear, maintenance and

safety, and compliance with relevant Council Specifications and Australian Standards.

- (b) Driveway details, in compliance with Council's Driveway Access to Property Design Specification.
- (c) Concrete ribbon footpath alignment and construction details
- (d) Stormwater drainage, including modifications to existing stormwater infrastructure (kerb and guttering, piped infrastructure including inlet pits, overland flow paths).
- (e) Erosion and Sediment Control Plans
- (f) Location of all services/conduits
- (g) Traffic Control Plan
- (h) Stormwater harvesting and raingarden design, including modifications to verge levels, landscaping details (species lists, mature heights, verge locations), irrigation systems (including public and occupational health and safety issues relating to treated effluent use), ongoing maintenance requirements, protection of existing services, and pedestrian and disabled accesses. The proposed raingardens in the road verge must meet the following the following minimum standards:
  - (i) No level change within 500mm of the edge of concrete ribbon footpath.
  - (ii) Maximum batter gradient of 1:4 (vertical:horizontal)
  - (iii) Kerb stormwater may be collected for internal reuse via reverse-grade kerb adaptors to Council standards. Alternately, piped connections from existing kerb inlet pits and/or stormwater junction pits in the road reserve to internal reuse systems may be approved subject to detailed design.
  - (iv) Level pedestrian accesses must be provided over/through raingarden areas at intervals of no less than 15m, meeting disabled access requirements.
  - (v) Fruiting trees are not permitted.
  - (vi) Street tree alignment must meet Development Design Specification D1 - Road Design criteria. Plantings at intersections, driveway cross overs and pedestrian accesses must not exceed 300mm in height to maintain vehicle sight distances.

- (vii) To ensure adequate levels of maintenance for all privately installed facilities in the road reserve, it may be necessary for the applicant to enter into a lease agreement with Council for the use of Council's road reserves (transferable to subsequent owners).
  - (i) The following works are not permitted:
    - (ii) Changes to intersection geometry (all frontages).
    - (ii) Changes in road pavement width and kerb alignment (all frontages).
    - (iii) Level or alignment alterations to the Ballina Street cycleway.
    - (iv) Construction of raingardens in Ballina Street.
    - (v) Installation of castellated or other forms of non-continuous kerbing (all frontages).
- [GEN0045]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
- [GEN0115]
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
- [GEN0135]
5. The facility is only to be occupied by people aged 55 years or more and people with a disability as defined by the Seniors Living SEPP.
6. A bus with a minimum seating capacity of 20 is to be provided for occupants of the facility. The bus is to be available for daily (minimum) transportation of residents to facilities required by clause 25 of the Seniors Living SEPP.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

7. Prior to the issue of a Construction Certificate a Construction Management Plan shall be submitted to the satisfaction of the Director of Environment and Community Services. All works shall comply with the approved plan.
8. Prior to the issue of a Construction Certificate, approval shall be obtained for the proposed plumbing and drainage installation works. A minimum of three sets of hydraulic drawings are to be submitted, designed in accordance with the provisions of AS/NZS3500:2003, together with any prescribed fees including inspection fees.
- [PCCNS01]
9. Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards.
- [PCC0055]



10. Where a private certifier is appointed, prior to release of the construction certificate, documentation shall be provided to the satisfaction of Council's General Manager or his delegate detailing the construction of the food premises.

[PCC0745]

11. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Tweed Shire Council PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

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

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
  - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

13. 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]

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

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works
- other stormwater 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 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

The s68 Stormwater Application must be accompanied by a detailed Stormwater Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP) prepared in accordance with Development Design Specification D7 - Stormwater Quality. The SWMP must provide engineering details of the following:

- (a) All piped connections to the public stormwater network, including all intake points for stormwater harvesting, and all discharge points.
- (b) All overland flow paths, sized to accommodate the ARI 100 year storm flow, including details of landscaping within flowpaths.
- (c) Upstream treatment measures for all stormwater runoff, other than uncontaminated roof runoff, prior to discharge to the public system. This includes effluent reuse in landscaping irrigation systems.
- (d) All proposed alterations to public stormwater infrastructure, including kerb and guttering.

[PCC1145]

15. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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

[PCC1185]

16. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate. [PCC1195]
17. Where water is to be drawn from Councils reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
  - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
  - Payment of relevant fees in accordance with Councils adopted fees and charges. [PCC1205]
18. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures. [PCC1225]
19. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges. [PCC1235]
20. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval. [PCC1265]
21. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500. [PCC1275]
22. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and

the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water:	63 ETs @ \$4598	\$289,674
Sewer:	100.5 ETs @ \$2863	\$287,732

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

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.

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.

[PCC0265]

23. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector 8a_4	\$69,091
LCA3 - Koala Beach/Leisure Gardens	\$19,809

(b) Shirewide Library Facilities: S94 Plan No. 11	\$31,373
(c) Bus Shelters: S94 Plan No. 12	\$1,186
(d) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$5,326
(e) Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$22,192
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$9,140
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$57,971.47
(h) Cycleways S94 Plan No. 22	\$3,233
(i) Regional Open Space (Casual) S94 Plan No. 26	\$39,082

[PCC0215]

**PRIOR TO COMMENCEMENT OF WORK**

24. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (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-building, 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]
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
26. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
27. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0255]
28. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of

Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

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

[PCW0985]

30. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.

[PCW0575]

31. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

32. The proponent shall notify Councils Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water.

[PCW1045]

33. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW1055]

34. 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]

35. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCW1075]

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

[PCW1085]

37. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council. [PCW1095]
38. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works. [PCW1165]
39. Landscaping is to be provided at the rate of 25m<sup>2</sup> per bed. In this regard additional landscaping area is to be provided within the site along the Evans and Valla Street frontages. An amended landscaping plan is to be submitted to Council for approval by the General Manager or his delegate prior to issue of the Construction Certificate.

#### **DURING CONSTRUCTION**

40. All construction traffic is to enter and depart the site via the western roundabout on Pottsville Road.
41. Acid sulfate soils shall not be exposed or disturbed.
42. All works shall comply with the Erosion and Sediment Control Plan (Cardno Engineering, February 2006).
43. The public sewer upstream of and including MH 1/40 on lot 735 is to be abandoned and capped off with a standard junction on the down stream side of this MH.
44. The public sewer upstream of and including MH 5/31 on lot 605 is to be abandoned and capped off with a standard junction on the down stream side of this MH.
45. The individual water service connections to the existing 12 lots are to be removed and capped of at the respective water main.
46. Construction 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 7.00pm  
No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work. [DUR0205]
47. All 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]



48. 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]

49. 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]

50. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

51. All fill and cut batters shall be obtained wholly within the subject land.

[DUR0825]

52. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

53. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.

[DUR1275]

54. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

55. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

56. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.  
[DUR1705]
57. 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 adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.  
[DUR1875]
58. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".  
[DUR2195]
59. 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]
60. 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 NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
61. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.  
[DUR2525]
62. 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]
63. 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]

64. 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:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>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]

65. Car parking spaces for people with disabilities shall be provided and constructed in accordance with the provisions of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3.5 of the Building Code of Australia and it's requirement to comply with AS2890.1.

[DUR0095]

66. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

67. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

68. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

69. If the work involved in the erection or demolition of a building:

(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

70. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

71. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

72. 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.

L10 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.

L10 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]

73. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0815]

74. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.  
[DUR0915]
75. Provision of an adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.  
[DUR0965]
76. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.  
[DUR1025]
77. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.  
[DUR1495]
78. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.  
[DUR1505]
79. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.  
[DUR1515]
80. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.  
[DUR1525]
81. Separate hand washing facilities must be provided in all food preparation areas with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.  
[DUR1545]
82. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.  
[DUR1565]

83. The walls immediately behind any basin in the hairdresser shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

84. 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 1742.3-2202 (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]

85. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

86. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal a waste transporter licensed by the EPA.

[DUR2215]

87. 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]

88. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

89. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

90. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.

[DUR2425]

91. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

92. A concrete ribbon 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 Councils adopted Development Design and Construction Specification.

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.

[DUR1735]

93. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (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]

94. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

[DUR1855]

95. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

96. 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]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

97. All works shall be completed in accordance with the recommendation of the Environmental Noise Impact Assessment (Jay Carter Acoustic Consultant, April 2006). Prior to occupation or use of the building a compliance certificate from a suitably qualified person shall be provided to Council which confirms compliance with requirements for the acoustic wall and acoustic treatment of building facades.

98. 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]

99. 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]

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

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

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

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

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

[POC0265]

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

[POC0855]

102. 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]

103. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

104. A noise management plan shall be prepared and submitted to Tweed Shire Council for consideration and approval which details how noise from plant and equipment will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate

[POC0125]



105. 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]

106. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.

[POC0625]

107. The premise 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]

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

[POC0985]

## **USE**

109. Construction and operation of all food preparation areas shall comply with the Food Act, 1989 and AS4674, 2004.

110. Waste storage and collection shall not be permitted to impact local amenity by way of odour, drainage or noise. The acoustic barrier/fence shall be closed when waste/recyclable collection is taking place and also when deliveries occur.

111. Deliveries and garbage collection shall be restricted to the following hours:

1. 7am to 6pm Monday to Saturday, and
2. 7am to 4pm on Sundays and public holidays; and
3. Vehicles shall not wait at the road with motors running prior to 7am

112. The water supply system shall comply with AS3666.1 and AS3666.2.

113. Roof water stored on site for re-use may only be used for laundry washing, irrigation and water features. The water shall not be used for any other purpose unless the prior written approval of Council has been obtained.

114. At each point where a tap stand exists (which receives water from on site roof water storage tank) a sign shall be provided and maintained to the satisfaction of the Director of Environment and Community Services which states - "Recycled Water, Avoid Contact, DO NOT DRINK".

115. All activities shall comply with the requirements of the NSW Food Authority.

116. 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, fumes or the like.

[USE0125]

117. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
118. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends. [USE0165]
119. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises. [USE0205]
120. All loading/unloading to take place within the boundary of the subject property. [USE0525]
121. All food handling areas and persons engaged in the preparation and handling of food supplied to patrons or occupants are to comply with the provisions of the Foods Act 1989 and the provisions of the Food Standards Code as called into force by the Food Regulation 2001. [USE0825]
122. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements. [USE0845]
123. A food safety program in accordance with HACCP requirements is to be implemented in the conduct and operation of the food preparation area. Advice regarding this can be obtained from the NSW Food Authority. [USE0885]
124. Any area to be used for the purpose of hairdressing shall comply with the requirements of the Local Government (orders) Regulation 1999 and where necessary the Public Health (Skin Penetration) Regulation 2000. [USE0945]
125. The premises shall be maintained in a clean and tidy manner. [USE0965]
126. The premises shall be operated in accordance with the *Public Health (Skin Penetration) Regulation 2000* and current NSW Health Skin Penetration Code of Best Practice and Guidelines. [USE0975]
127. Clinical wastes shall be separated from the general waste stream and disposed via Council's approved clinical waste collection and disposal service. [USE0995]

128. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

129. All waste collection activities shall occur within the property boundary.

[USE1345]

- B.
1. In light of the novel and innovative nature of the water and sewerage management and recycling plans and the major impacts which would result from the failure of any of these plans or the systems that support these plans on the local community, the Applicant provide a performance bond supported by a bank guarantee in a form satisfactory to the General Manager or his delegate. The performance bond will be drawn down to the extent that connection to the Council's water and sewerage system is required at a later date. The terms of the performance bond will be 3 years from the date of full occupation of the premises, or four years from the date of initial occupation, whichever event is earlier. The value of the performance bond is \$577,406 to cover the costs of connection to water and sewerage, or any other impacts from the failure of the systems.
  2. That the following reports be provided for approval by Council which have been endorsed by the relevant government department or an independent expert as nominated by the General Manager:
    - Sewerage management and recycling plan;
    - Stormwater management and recycling plan;
    - Potable water management plan; and
    - Acid sulphate management plan required by the on site location of water tanks
  3. The Council will note on its property records that the premises are not connected to the Council's water or sewerage system.
  4. If the applicant wishes to pursue non-connection to Council's water and sewer mains system DA06/0358 is approved subject to the following conditions:

#### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA05-DA19 Project No. IA 0106 prepared by Ilium Projects and dated March 2006, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. The facility is only to be occupied by people aged 55 years or more and people with a disability as defined by the Seniors Living SEPP.
4. A bus with a minimum seating capacity of 20 is to be provided for occupants of the facility. The bus is to be available for daily (minimum) transportation of residents to facilities required by clause 25 of the Seniors Living SEPP.
5. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

The application shall include detailed engineering plans and specifications relevant to but not limited to the following works: -

- (a) Road surfacing, including whole of life costing (minimum 40 years), manufacturer's specifications for performance, wear, maintenance and safety, and compliance with relevant Council Specifications and Australian Standards.
- (b) Driveway details, in compliance with Council's Driveway Access to Property Design Specification.
- (c) Concrete ribbon footpath alignment and construction details
- (d) Stormwater drainage, including modifications to existing stormwater infrastructure (kerb and guttering, piped infrastructure including inlet pits, overland flow paths).
- (e) Erosion and Sediment Control Plans
- (f) Location of all services/conduits
- (g) Traffic Control Plan
- (h) Stormwater harvesting and raingarden design, including modifications to verge levels, landscaping details (species lists, mature heights, verge locations), irrigation systems (including public and occupational health and safety issues relating to treated effluent use), ongoing maintenance requirements, protection of existing services, and pedestrian and disabled accesses. The proposed raingardens in the road verge must meet the following the following minimum standards:
  - (i) No level change within 500mm of the edge of concrete ribbon footpath.
  - (ii) Maximum batter gradient of 1:4 (vertical:horizontal)
  - (iii) Kerb stormwater may be collected for internal reuse via reverse-grade kerb adaptors to Council standards. Alternately, piped connections from existing kerb inlet pits and/or stormwater junction pits in the road reserve to internal reuse systems may be approved subject to detailed design.

- (iv) Level pedestrian accesses must be provided over/through raingarden areas at intervals of no less than 15m, meeting disabled access requirements.
- (v) Fruiting trees are not permitted.
- (vi) Street tree alignment must meet Development Design Specification D1 - Road Design criteria. Plantings at intersections, driveway cross overs and pedestrian accesses must not exceed 300mm in height to maintain vehicle sight distances.
- (vii) To ensure adequate levels of maintenance for all privately installed facilities in the road reserve, it may be necessary for the applicant to enter into a lease agreement with Council for the use of Council's road reserves (transferable to subsequent owners).
- (i) The following works are not permitted:
  - (ii) Changes to intersection geometry (all frontages).
  - (ii) Changes in road pavement width and kerb alignment (all frontages).
  - (iii) Level or alignment alterations to the Ballina Street cycleway.
  - (iv) Construction of raingardens in Ballina Street.
  - (v) Installation of castellated or other forms of non-continuous kerbing (all frontages).

[GEN0045]

6. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]

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

[GEN0135]

8. All fees and charges associated with a future water connection application will apply at the time of such application.

9. All fees and charges associated with a future sewerage connection application will apply at the time of such application.

10. Sec 64 DSP Charges:

- a. No refund of existing 12 ET Contribution by Land Developer for water and sewerage.
- b. Water Supply:
  - i. If a fire Sprinkler and or Hydrant and Hose reel connection is required, no further Section 64 water charges will be required upfront as part of this development Application. Section 64 water charges equivalent to 63ET are not required until an application is made for connection by this or future owners. A

- Deed of Agreement that allows Council to lodge a caveat that applies to current and future owners of the property is required. The Deed will describe how and why this potential debt exists and when it becomes a real debt to be recovered, i.e. upon application for connection, and that the applicable charges at the time of connection will apply.
- ii. The sprinkler system connection will be to Council Standards SD 327 and a quotation will be provided upon application in accordance with Council's Fees and Charges. Note the Sprinkler System is un-metered.
  - iii. The hydrant and or hose reel system connection will be to Council Standards SD 323 (with out the domestic connection) and separate to the Sprinkler connection in Point ii above. A quotation will be provided upon application in accordance with Council's Fees and Charges. Note the Hydrant connection includes a low flow metered bypass.
  - iv. Consumption through the low flow metered bypass on the hydrant connection will be charged in accordance with Council's Fees and Charges.
  - v. If the hydrant connection is found to be used for other than legitimate fire fighting use all remaining Section 64 charges will be levied accordingly and a domestic connection will need to be applied for by the property owner at that time.
- c. Sewerage:
- i. A single sewerage connection is required to either Location detailed in the above conditions and limit & monitor flow to a maximum of  $12 * 240\text{L/EP/Day} * 3.2\text{EP/ET} = 9,216 \text{ L/Day}$  (0.106 L/s). Section 64 sewerage charges equivalent to 100.5ET are not required until time an application is made for connection by this or future owners. A Deed of Agreement that allows Council to lodge a caveat that applies to current and future owners of the property is required. The Deed will describe how and why this potential debt exists and when it becomes a real debt to be recovered, i.e. upon application for connection, and that the applicable charges at the time of connection will apply.
  - ii. Sewer volumetric and strength charges as per Councils Fees and charges will apply form date of connection in i. above.
  - iii. If sewer discharges are found to be in excess of flows detailed in point i. above all remaining Section 64 charges will be levied accordingly.

[GENNS01]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

11. Prior to the issue of a Construction Certificate a Construction Management Plan shall be submitted to the satisfaction of the Director of Environment and Community Services. All works shall comply with the approved plan.

12. Prior to the issue of a Construction Certificate, approval shall be obtained for the proposed plumbing and drainage installation works. A minimum of three sets of hydraulic drawings are to be submitted, designed in accordance with the provisions of AS/NZS3500:2003, together with any prescribed fees including inspection fees. [PCCNS01]
13. Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority **PRIOR** to the issue of a Construction Certificate. [PCC0055]
14. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements. [PCC0735]
15. Where a private certifier is appointed, prior to release of the construction certificate, documentation shall be provided to the satisfaction of Council's General Manager or his delegate detailing the construction of the food premises. [PCC0745]
16. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
  - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
  - (d) Specific Requirements to be detailed within the Construction certificate application include:
    - (i) Shake down area along the haul route immediately before the intersection with the road reserve. [PCC1105]

17. 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
  - other stormwater 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 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

The s68 Stormwater Application must be accompanied by a detailed Stormwater Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP) prepared in accordance with Development Design Specification D7 - Stormwater Quality. The SWMP must provide engineering details of the following:

- (a) All piped connections to the public stormwater network, including all intake points for stormwater harvesting, and all discharge points.
- (b) All overland flow paths, sized to accommodate the ARI 100 year storm flow, including details of landscaping within flowpaths.
- (c) Upstream treatment measures for all stormwater runoff, other than uncontaminated roof runoff, prior to discharge to the public system. This includes effluent reuse in landscaping irrigation systems.
- (d) All proposed alterations to public stormwater infrastructure, including kerb and guttering.

[PCC1145]

18. 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]

19. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]



20. Where water is to be drawn from Councils reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
  - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
  - Payment of relevant fees in accordance with Councils adopted fees and charges.
- [PCC1205]
21. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.
- [PCC1225]
22. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.
- [PCC1235]
23. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Tweed Shire Council PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
- [PCC1255]
24. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.
- [PCC1265]
25. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.
- [PCC1275]
26. Prior to the issue of a CC a Construction management Plan shall be submitted to the satisfaction of the DECS. All works shall comply with the approved plan.

27. Prior to issue of the CC Council shall be provided with an Acid Sulfate Soils Investigation and Management Plan (if applicable) to the satisfaction of the DECS. The plan shall also address management of dewatering, if applicable. All works shall comply with that approved management plan.
28. Prior to issue of the CC Council shall be provided with a Solid Waste Management Plan to the satisfaction of the DECS. All works shall comply with that approved management plan. The Plan shall address the following:
  1. General assessment and description of all aspects of the waste stream (solid wastes, recyclables, sewage sludge, clinical wastes, pharmaceutical wastes, green wastes etc)
  2. Number and size of storage bins
  3. Volume considerations and storage locations
  4. Transport issues (and consideration of any waste transporters' licenses under the POEO Act, 1997).
  5. Location where any wastes are proposed to be transported and treated (and any separate approval requirements, such as DA for the receiving premise).
  6. Separation and disposal of non recyclable materials (plastics etc)
  7. Collection points, noise and vehicle access
  8. Green waste recycling points within the subject site (and associated issues such as leachate and odour). If recycling on site is required, then a report assessing potential odour impacts may be required.
29. Prior to the issue of a CC the applicant shall lodge a Section 68 application to install an on-site sewage management system, pay the appropriate fee and be issued with an approval to install. The application shall be accompanied by an on-site sewage design report and site assessment, including but not limited to:
  1. Plans and specifications detailing the location and type of on-site sewage management system(s) proposed for the development (including holding tanks);
  2. Wastewater treatment methods, (the report shall comment on expected salinity accumulation and how this will be ameliorated);
  3. Expected effluent quality after treatment and prior to irrigation or discharge to Council stormwater system;
  4. Size and locations of any effluent land application areas;
  5. Design irrigation rate, LTAR;
  6. Locations of any effluent discharge points;
  7. Detailed management plan of the treatment system servicing and

maintenance program eg. Expected frequency of servicing and primary tank de-sludging;

8. Detailed management plan of the irrigation system maintenance program;
9. Details of an effluent quality monitoring program from a suitably qualified person with expertise in viruses and pathogens to the satisfaction of the Director of Environment and Community Services.

[PCCNS01]

30. Prior to issue of the CC Council shall be provided with a Potable Water Supply Management Plan to the satisfaction of the DECS. The potable water supply and Management Plan shall comply with the Draft NSW Health Guidelines for the Management of Private Water Supplies. Construction and operation of the water supply shall comply with that approved management plan.
31. A cash bond or bank guarantee unlimited in time, in favour of Tweed Shire Council is to be submitted to Council prior to release of the Construction Certificate. The value of the bank guarantee is to be \$577,406.

If the proposed water or effluent management systems fail and connection to Council's main supply is required the cash bond/bank guarantee will be called up by Council. The cash bond or bank guarantee will be considered for release after it has been demonstrated to Council by the proponent that the water and effluent systems have performed at a satisfactory level for three (3) years from the date of occupation.

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

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in

the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector 8a_4	\$69,091
LCA3 - Koala Beach/Leisure Gardens	\$19,809
(b) Shirewide Library Facilities: S94 Plan No. 11	\$31,373
(c) Bus Shelters: \$1,186 S94 Plan No. 12	
(d) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$5,326
(e) Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$22,192
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$9,140
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$57,971.47
(h) Cycleways \$3,233 S94 Plan No. 22	
(i) Regional Open Space (Casual) S94 Plan No. 26	\$39,082

[PCCNS02]

### **PRIOR TO COMMENCEMENT OF WORK**

33. 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]

34. 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]

35. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

36. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

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

[PCW0985]

38. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

39. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW1055]

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

[PCW1065]

41. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCW1075]

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

[PCW1085]

43. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

44. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.
45. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.  
[PCW0665]
46. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.  
[PCW0575]
47. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.  
[PCW0005]
48. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.  
[PCW1165]
49. Landscaping is to be provided at the rate of 25m<sup>2</sup> per bed. In this regard additional landscaping area is to be provided within the site along the Evans and Valla Street frontages. An amended landscaping plan is to be submitted to Council for approval by the General Manager or his delegate prior to issue of the Construction Certificate.  
[PCW1105]
50. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.  
[PCW1165]

#### **DURING CONSTRUCTION**

51. All construction traffic is to enter and depart the site via the western roundabout on Pottsville Road.
52. Acid sulfate soils shall not be exposed or disturbed.
53. All works shall comply with the Erosion and Sediment Control Plan (Cardno Engineering, February 2006).
54. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the

Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

56. 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]

57. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

58. All fill and cut batters shall be obtained wholly within the subject land.

[DUR0825]

59. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.

[DUR1275]

60. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

61. Where a building of part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

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62. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

63. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]



64. 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]
65. 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 NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
66. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]
67. 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]
68. 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]
69. Car parking spaces for people with disabilities shall be provided and constructed in accordance with the provisions of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3.5 of the Building Code of Australia and it's requirement to comply with AS2890.1.
- [DUR0095]
70. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
  - (b) The chute shall be located in a position approved by the Principal Certifying Authority.
  - (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
- [DUR0385]

71. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

72. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

73. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

74. Provision of an adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

[DUR0965]

75. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.

[DUR1525]

76. Separate hand washing facilities must be provided in all food preparation areas with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

77. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.

[DUR2425]

78. Construction 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 7.00pm

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]

79. 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.

L10 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.

L10 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]

80. 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]

81. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

82. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0805]

83. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
84. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning. [DUR0915]
85. Provision to be made for the designation of one (1) durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system. [DUR0975]
86. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
87. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
88. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. **Note:** Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres. [DUR1495]
89. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices. [DUR1505]
90. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises. [DUR1515]

91. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises. [DUR1535]
92. Separate hand washing facilities must be provided in all food preparation areas with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate. [DUR1545]
93. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room. [DUR1565]
94. 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 1742.3-2202 (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]
95. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
  - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
  - (c) The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties. [DUR2075]
96. The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties. [DUR2135]
97. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]
98. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary. [DUR2205]
99. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal a waste transporter licensed by the EPA.

[DUR2215]

100. 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.

[DUR2375]

101. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

102. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

103. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg.

[DUR2435]

104. 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:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>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]

105. 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. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR2595]

106. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

107. A concrete ribbon 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 Councils adopted Development Design and Construction Specification.

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.

[DUR1735]

108. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (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]

109. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

[DUR1855]

110. 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 Council's adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

111. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Council's Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

112. All water drawn from Council's 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]

113. The walls immediately behind any basin in the hairdresser shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

114. All works shall comply with the Erosion and Sediment Control Plan (Cardno Engineering, February 2006).

115. The public sewer Upstream of and including MH 1/40 on lot 735 is to be abandoned and capped off with a standard junction on the down stream side of this MH.

116. The public sewer Upstream of and including MH 5/31 on lot 605 is to be abandoned and capped off with a standard junction on the down stream side of this MH.

117. The individual water service connections to the existing 12 lots are to be removed and capped of at the respective water main.

[DURNS01]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

118. All works shall be completed in accordance with the recommendation of the Environmental Noise Impact Assessment (Jay Carter Acoustic Consultant, April 2006). Prior to occupation or use of the building a compliance certificate from a suitably qualified person shall be provided to Council which confirms compliance with requirements for the acoustic wall and acoustic treatment of building facades.

119. 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]

120. 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]

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

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

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

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

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

[POC0265]

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

[POC0855]



123. 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]
124. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.  
[POC1055]
125. A noise management plan shall be prepared and submitted to Tweed Shire Council for consideration and approval which details how noise from plant and equipment will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate  
[POC0125]
126. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.  
[POC0625]
127. The premise 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]
128. The premises where food is handled or prepared for patrons or occupants is to be notified to NSW Health in accordance with the Registration and notification requirements of the Food Standards Code as called into force by the Food Regulation 2001.  
[POC0605]
129. 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]
130. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.  
[POC0985]
131. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.  
A certificate certifying compliance with the above is to be submitted to Council by the licensed plumber on completion of works.  
[POC1025]

**USE**

132. Construction and operation of all food preparation areas shall comply with the Food Act, 1989 and AS4674, 2004.
133. Waste storage and collection shall not be permitted to impact local amenity by way of odour, drainage or noise. The acoustic barrier/fence shall be closed when waste/recyclable collection is taking place and also when deliveries occur.
134. Deliveries and garbage collection shall be restricted to the following hours:
1. 7am to 6pm Monday to Saturday, and
  2. 7am to 4pm on Sundays and public holidays; and
  3. Vehicles shall not wait at the road with motors running prior to 7am
135. The water supply system shall comply with AS3666.1 and AS3666.2.
136. At each point where a tap stand exists (which receives water from on site roof water storage tank) a sign shall be provided and maintained to the satisfaction of the Director of Environment and Community Services which states - "Recycled Water, Avoid Contact, DO NOT DRINK".
137. All activities shall comply with the requirements of the NSW Food Authority.
138. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.  
[USE0165]
139. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.  
[USE0845]
140. A food safety program in accordance with HACCP requirements is to be implemented in the conduct and operation of the food preparation area. Advice regarding this can be obtained from the NSW Food Authority.  
[USE0885]
141. The premises shall be maintained in a clean and tidy manner.  
[USE0965]
142. All waste collection activities shall occur within the property boundary.  
[USE1345]

143. 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, fumes or the like.  
[USE0125]
144. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.  
[USE0135]
145. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.  
[USE0155]
146. 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 noise.  
[USE0175]
147. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.  
[USE0205]
148. All buses and other vehicles engaged in the letting down and picking up of patrons/occupants are required to switch off their engines if they are standing for a greater period of time than two (2) minutes.  
[USE0265]
149. All loading/unloading to take place within the boundary of the subject property.  
[USE0525]
150. All food handling areas and persons engaged in the preparation and handling of food supplied to patrons or occupants are to comply with the provisions of the Foods Act 1989 and the provisions of the Food Standards Code as called into force by the Food Regulation 2001.  
[USE0825]
151. Food handling and preparation is to comply with all requirements of NSW Health.  
[USE0895]
152. Any area to be used for the purpose of hairdressing shall comply with the requirements of the Local Government (orders) Regulation 1999 and where necessary the Public Health (Skin Penetration) Regulation 2000.  
[USE0945]

153. Any person carrying out skin penetration on the premises shall cause a copy of the NSW Health Guidelines on Skin Penetration and also a copy of the NSW Health, Skin Penetration Code of Best Practice to be kept on the premises. [USE0955]
154. The premises shall be maintained in a clean and tidy manner. [USE0965]
155. The premises shall be operated in accordance with the *Public Health (Skin Penetration) Regulation 2000* and current NSW Health Skin Penetration Code of Best Practice and Guidelines. [USE0975]
156. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* and the current NSW Health Public Swimming Pool and Spa Pool Guidelines. [USE0985]
157. Clinical wastes shall be separated from the general waste stream and disposed via Council's approved clinical waste collection and disposal service. [USE0995]
158. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW. [USE1035]
159. Waste storage and collection shall not be permitted to impact local amenity by way of odour, drainage or noise. The acoustic barrier/fence shall be closed when waste/recyclable collection is taking place and also when deliveries occur. [USENS01]

**FOR VOTE - Unanimous**

**ITEM MOVED FROM CONFIDENTIAL TO ORDINARY**

**P14 [EC-CM] Building Without the Prior Approval of Council - Lot 1104 DP 31968 No. 61 McAllisters Road Bilambil Heights**

The following person addressed the Planning Committee:

Mrs Verna Jones

**P 149 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council:-

1. Undertakes further inspections to determine if the building is structurally sound; and
2. Delegates authority to Administrator Willan to determine the matter.

***FOR VOTE - Unanimous***

**REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT**

**P6 [PD-PC] Development Application DA05/1464 for Works within Stage 1 of the Concept Plan Including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services at Lots 1 - 18 Section 1 DP 14895, Lots 1 – 18 Section 2 DP 14895, Lots 1**

**P 150 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that: -

- A. Council grants owners consent to the Stage 1 works proposed in the development application.
- B. That upon written notification that Appeal No. 10217 of 2006 has been withdrawn Development Application DA05/1464 for Works within Stage 1 of the Concept Plan Including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services at Lots 1 - 18 Section 1 DP 14895, Lots 1 – 18 Section 2 DP 14895, Lots 1 – 16 Section 6 DP 14895, Lorna Street, Lots 1 – 36 Section 3 DP 14895, Lots 1 – 18 Section 4 DP 14895, Lots 1 - 16 Section 5 DP 14895, Lots 2 – 32 Section 7 DP 14895 & Lots 1 – 16 Section 8 DP 14895, Catherine Street & Lots 19 – 36 Section 2 DP 14895, Lot 17 - 32 Section 6 DP 14895 & Lots 1 Section 7 DP 14895, Carne Street, Kingscliff, Lot 1971 DP 133919 Ocean Avenue, Kingscliff and various unnamed roads and laneways be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos. 2967/03/03-210K, 211A, 212E, 213C, 214, 215H, 216D, 217C, 220A, 221C, 222C, 223C, 225B,

226B, 230, 233 prepared by Cardno MBK and dated 23 December 2004, except where varied by the conditions of this consent.

[GEN0005]

2. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse, groundwater or drain.
3. All works shall comply with the Acid Sulfate Soils Management Plan, Cardno, December 2005.
4. All works shall comply with the Erosion & Sediment Control Plan, Cardno, December 2005.
5. Noise from the proposed works shall not be permitted to impact the amenity of any residential premise.
6. Prior to the commencement of works a report considering road noise from Casuarina Way shall be submitted to Council. The report shall compare road traffic noise projections to the NSW EPA Environmental Criteria for Road Traffic Noise and indicate areas which will receive noise levels above relevant criteria.
7. The site shall not be dewatered.
8. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.
9. All works shall comply with the approved Water Quality Monitoring Program, Cardno, December 2005 and baseline values shall be agreed in writing with the Director of Environment and Community Services prior to the commencement of construction.
10. Runoff from the site shall not be permitted to flow or percolate from the site where the pH is outside the range 6.5 - 8.5 or SS exceeds 50mg/L.

11. The concept plan submitted with the application is not approved. The concept plan is to be replaced with the plan titled Building Controls Accommodation Area and the associated Built Form Controls Table contained in DCP No.55 Seaside City.
12. The opening of the northern She Oak Lane cul-de-sac is not approved.
13. This consent does not include approval for clearing or earthworks within any land zoned 7(f) Environmental Protection (Coastal Lands).
14. A dilapidation report detailing the current structural condition of the adjoining and adjacent buildings, infrastructure and roads is to be prepared and endorsed by a qualified structural engineer. The report is to be submitted to Council prior to commencement of works.

A second dilapidation report is to be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first report and recommend a course of action to carry out repairs if required. The report is to be submitted to Council.

[GENNS01]

15. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

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

[GEN0135]

17. The works are to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications.

[GEN0125]

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

19. Prior to the issue of the Construction Certificate the applicant shall obtain written permission from non Richtech Pty Ltd property owners to authorise filling works inside these properties.
20. The Construction Certificate shall include detailed engineering plans clearly identifying the finished surface levels for the proposed Seaside City Development. The finished surface levels shown within the Construction Certificate shall be generally in accordance with Drawing No. 2967/03/03-215 H, 216D and 220A prepared by Cardno MBK.

In the event that permission from Non Richtech Pty Ltd land owners is not obtained for filling, earthworks associated with the road construction shall be carried out in accordance with Drawing No. 2967/03/03-230 and 231. The retaining wall shall be a reinforced concrete block wall and shall be located 50mm from the property boundary. The footing maybe located wholly inside the road reserve. Retaining walls constructed from timber or rock will not be permissible.

21. Trunk stormwater drainage shall be constructed generally in accordance with drawing Nos. 2967/03/03-215H, 220A and 221C.

The overland flow channel and underground R.C.B.C shall be extended west from Casuarina Way to the infiltration basin. This drainage system shall have a cross section similar to that shown on section 1, drawing 2967/03/03-221C. The open channel shall be located entirely within public land with provisions made for satisfactory maintenance access. The dedication of any private land necessary to comply with this requirement shall be free of cost to Council

Hydraulic sizing for the infiltration basin nominated on drawing 2967/03/03 -221C shall also be provided.

22. The construction certificate application shall show how the second 225mm diameter rising main under Cudgen Creek will be installed. In addition, the plans must show how a third pump in the regional pump station located in SALT will be installed and detail the upgrading of the impellers in the other two pumps. These works will then be required to be constructed in accordance with the approved Construction Certificate.
23. The traffic turning head and carparks on the east end of the southern road is to be redesigned and removed from the 7(f) Environmental Protection (Coastal Lands) zone. Amended plans are to be submitted to Council for approval by the General Manager or is delegate prior to release of the construction certificate.

[PCCNS01]

24. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>o</sup> or steeper,



such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with sub-tropical (rainforest) native and exotic 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]

25. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

26. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, DCP47 and Councils adopted Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

27. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

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

[PCC0485]

28. Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible. [PCC0495]
29. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. [PCC0585]
30. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times. [PCC0865]
31. The proponent shall submit plans and specifications with an application for a construction certificate for the following roadworks with associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications.
- (a) Construction of Ocean Avenue between Casuarina Way (chainage 0.0) and Lorna Street (Chainage 300.00) shall be generally in accordance with Drawing No. 2967/03/03 -210K, 211A, 214, 215H and 216D.
  - (b) The construction of Casuarina Way shall be generally in accordance with Drawing No.'s 2967/03/03 - 210K, 214and 216D.
  - (c) Construction of Lorna Street shall be generally in accordance with Drawing No.'s 2967/03/03 - 210K, 212E, 213C, 214 and 216D.The drainage of Lorna Street shall be as follows;
  - (d) Underground road drainage and overland flow in Lorna Street shall be designed to drain in a northerly direction only to the open channel located at chainage 700.The intersection of Ocean Avenue and Lorna Street shall be designed to allow free passage of overland flow along Lorna Street in a northerly direction. No road drainage(underground or overland flow) shall be directed in a westerly direction down Ocean Avenue.
  - (e) The construction certificate shall show how the low points located in Lorna Street at chainage 160 and 260 will be satisfactorily drained.
  - (f) A concrete footpath minimum 1.2m wide and 100 millimetres thick shall be constructed on a compacted base along the entire frontage

(both sides) of Lorna Street and Ocean Avenue in accordance with Council's adopted Design and Construction Specification.

- (g) The underground drainage system at the intersection of Carne Street and Ocean Avenue shall be designed to cater for the Q<sub>100</sub> storm event.
- (h) A concrete cycleway to the west of the development within lot 1971 DP 133919 linking the existing cycleways in SALT and Casuarina.
- (i) A concrete cycleway to the east of Lorna Street linking the coastal cycleways in SALT and Casuarina.

[PCC0875]

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

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
  - earthworks
  - roadworks/pavement design/furnishings
  - stormwater drainage
  - water supply works
  - sewerage works
  - landscaping works
  - sedimentation and erosion management plans
  - location of all service conduits (water, sewer, Country Energy and Telstra)

Note: 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]

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

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Council's *Development Design Specification D7 - Stormwater Quality*.

- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
  - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

34. 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 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

35. 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]

36. Where water is to be drawn from Councils reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
  - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
  - Payment of relevant fees in accordance with Councils adopted fees and charges.

[PCC1205]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

37. Prior to the issue of a construction certificate, the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCC0015]

38. The beachside car parking including parking for the disabled is to be in accordance with DCP2, AS 2890 and Austroads Part 11.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. The designer shall ensure that on street car parking will not conflict or compromise access to residential driveways.

[PCC0065]

39. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

40. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

[PCC0275]

#### **PRIOR TO COMMENCEMENT OF WORK**

41. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, 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]

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

[PCW0985]

43. 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]

44. 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]

45. 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 adopted Development Design and 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 Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and
  - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, 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]

46. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier shall be erected and maintained in a prominent position entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0825]

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

[PCW0835]

48. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

49. A Construction Management Plan shall be submitted to Council for approval prior to the commencement of works. The plan shall be to the satisfaction of the Director of Environment and Community Services and shall address all relevant issues including noise, erosion control, security, dust, hours of operation, fuel and chemical storage, waste and complaints handling etc. All works shall comply with the approved Plan.

50. The carparking proposed for the southern side of the southern east west road indicated on the plan 2967/03/03-225 Rv B is to be relocated to the northern side of the road. An amended plan is to be submitted to Council for approval by the General Manager or his delegate prior to commencement of work.
51. Prior to commencement of work an audit of the *Banksia integrifolia* trees is to be undertaken on the site. The *Banksia integrifolias* are to be replaced at a rate of one for one within the final landscaped areas of the site, Lot 1971 DP133919 and lot 500 DP727420 as part of the revegetation plans for those sites. An additional 30% to the removed *Banksias integrifolias* consisting of local indigenous native species is to be planted in the same areas. A schedule of species is to be submitted to Council for approval by the General Manager or his delegate prior to planting. Management of the replacement plantings to be undertaken in the same manner for the vegetation plans approved for lots 1971 (DA 05/0793) and 500 (DA 05/0775).

[PCWNS01]

#### **DURING CONSTRUCTION**

52. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Friday from 7.00am to 7.00pm

Saturday 7.00am to 12.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

53. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 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.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]



54. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations. [DUR0415]
55. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties. [DUR0805]
56. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
57. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
58. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
59. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
60. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
61. 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 1742.3-2202 (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]
62. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]

63. 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]

64. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

65. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

66. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

67. 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]

68. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

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.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

69. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the General Manager of 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 commencement of works.

The approved haul route for the transportation of filling to the site is via Old Bogangar Road and Casuarina Way.

[DUR0725]

70. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

[DUR0745]

71. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0755]

72. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

[DUR0785]

73. The proposed earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

74. All fill and cut batters shall be obtained wholly within the subject land.

[DUR0825]

75. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.

[DUR0845]

76. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties.

[DUR0865]

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

[DUR0995]

78. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

79. A concrete ribbon footpath minimum of 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of Lorna Street and Ocean Avenue (both sides) in accordance with Councils adopted Development Design and Construction Specification.

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.

[DUR1735]

80. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

(a) That the pavement has been designed and constructed in accordance with Tweed Shire Councils adopted Construction and Design Specification, D2.

(b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils adopted Design and Construction Specifications, C242-C245, C247, C248 and C255.

(c) That site fill areas have been compacted to the specified standard.

(d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

81. All proposed road/streets, drainage and associated works within the development shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual and Development Design and Construction Specifications, except where varied by the conditions of this consent.

[DUR1815]

82. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.
- [DUR1825]
83. Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
- [DUR1835]
84. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (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]
85. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.
- [DUR1855]
86. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.
- [DUR1865]
87. 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 adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
88. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
- [DUR1885]
89. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

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

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

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

[DUR1895]

- 90. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

[DUR1955]

- 91. The written consent of the registered proprietors of adjoining land, where the said works encroach thereon is to be submitted to Council prior to works commencing.

[DUR2005]

92. The 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]
93. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved. [DUR2025]
94. Drainage Reserve
- (a) Dedication of the proposed drainage reserve at no cost to Council.
- (b) An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.
- Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate. [DUR2295]
95. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. Drainage must be installed and operational prior to commencement of any building work. [DUR2325]
96. Provision of a stormwater drainage system in accordance with the approved Construction Certificate. [DUR2345]
97. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils adopted Design and Construction Specification. [DUR2355]
98. 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]
99. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate to allow the land to be classified.

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.

[DUR2635]

100. The works proposed in DA 05/0775 and DA 05/0793 are to be undertaken in conjunction with the works proposed in this consent (DA 05/1464). Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manger or his delegate.

101. A minimum of 223 on street carparking spaces are to be provided for beach access east of and including Carne Street.

[DURNS01]

### **USE**

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

[USE0145]

103. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.

[USE0155]

104. 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 creating a nuisance to neighbouring or adjacent premises.

[USE0225]

### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

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

[PSC0005]

106. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum \$1,000) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

107. Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract value of the footpath construction works shall be



lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

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

[PSC0225]

108. A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PSC0235]

109. All landscaping requirements shall be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate.

[PSC0485]

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

[PSC0725]

111. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.

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

- (a) all drainage lines, sewer lines and structures are wholly contained within the drainage 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 plans.

[PSC0735]

112. All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining

walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

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

[PSC0785]

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

[PSC0825]

114. 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 the following:

- (a) Easements for sewer, water supply and drainage over ALL services on private property.
- (b) All roof water drainage is to be discharged to infiltration trenches/devices located on each contributing allotment.

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]

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

[PSC0855]

116. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

117. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 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 DCP16, CL 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]

118. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- (a) Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- (b) No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
- (c) No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

[PSC0905]

119. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Water Reticulation
- (c) Compliance Certificate - Sewerage Reticulation
- (d) Compliance Certificate - Sewerage Pump Station
- (e) Compliance Certificate - Drainage

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) 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, DCP16 - Subdivision Manual and Councils adopted 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]

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

[PSC0925]

121. Your attention is invited to conditions of Development Consent DA05/1464. Compliance with the conditions of the development consent and the construction certificate is required prior to the issue of a subdivision certificate.

[PSC0935]

122. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

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

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

[PSC1065]

123. Prior to the release of the subdivision certificate the proponent shall:

- (a) Dedication of the proposed drainage reserve at no cost to Council.
- (b) Submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

[PSC1075]

124. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

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.

[PSC1115]

125. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

[PSC1125]

126. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

127. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC1185]

128. A subdivision certificate application shall be lodged with Council for the creation of any new road reserves or drainage reserves.

129. Land for passive open space indicated on the plan titled Passive Open Space contained in DCP-55 Seaside City is to be dedicated to Council at no cost prior to release of the subdivision certificate for road widening. In this regard Lot 1 Section 5 DP 14895 and the adjoining road reserve is to be embellished at no cost to Council. The plans detailing embellishment are to be submitted to Council for approval by the General Manager or

his delegate prior to release of the subdivision certificate for road widening.

130. A restriction under the provisions of Section 88B of the Conveyancing Act is to be placed on the title of Lots 1 to 9 Section 8 DP14895 and Lots 17 and 18 Section 4 DP14895 indicating that part of the lots as indicated on plan 296703-VMP01 Rv 4 contained in DA 05/ 0793 are located within the 50m Cudgen Creek buffer area and no works, swimming pools or structures except fences are to be placed within this buffer area. A draft copy of the instrument is to be submitted to Council at least one month prior to lodgement of the subdivision certificate application for road widening.

### **GENERAL TERMS OF APPROVAL**

#### **PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948**

1. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering Cudgen Creek.
  2. Provision of stormwater quality treatment measures (in accordance with the Soil and Stormwater Management Plan) to ensure retention of pollutants and no detrimental water quality impacts downstream.
  3. Excavated material may contain potential acid sulfate soils and shall be tested. If present then appropriate management measures shall be employed to control any acid sulfate soil impacts in accordance with the ASMACC Manual.
  4. Excavation operations shall be conducted so as not to damage or cause erosion of the adjoining riverbank of Cudgen Creek.
  5. Excavation operations and construction activities shall be conducted with minimal impact on riparian vegetation.
- C. Prior to issuing of the consent all owners consents are to be received in writing by Council. If the owners consents are not received by 20 October 2006 the consent will be issued on the basis of the current information.

***FOR VOTE - Unanimous***

**P7 [PD-PC] Development Application DA05/0793 for Clearing and Replanting Vegetation at Lot 1971 DP 133919, Ocean Avenue, Kingscliff**

**P 151 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that upon written notification that Appeal No. 10216 of 2006 has been withdrawn Development Application DA05/0793 for clearing and replanting vegetation at Lot 1971 DP 133919, Ocean Avenue, Kingscliff be approved subject to the following conditions: -

**GENERAL**

1. This consent shall be completed in accordance with the Vegetation Management Plan - Western Boundary dated 27 June 2006 prepared by Cardno except where varied by the conditions of this consent. [GEN0005]
2. A restriction under the provisions of Section 88B of the Conveyancing Act is to be placed on the title of Lots 1 to 9 Section 8 DP14895 and Lots 17 and 18 Section 4 DP14895 indicating that part of the lots as indicated on plan 296703-VMP01 Rv 4 contained in DA 05/ 0793 are located within the 50m Cudgen Creek buffer area and no works, swimming pools or structures except fences are to be placed within this buffer area.
3. Prior to completion of the five year maintenance period coastal tea tree (*Leptospermum laevigatum*) is to be removed completely from Lot 1971 DP133919.
4. The maintenance period is to be five years from the date of planting works commencing.
5. The reports required by Section 10 of the Vegetation Management Plan are to be prepared by an independent suitably qualified and experienced environmental scientist/ecologist. The environmental scientist/ecologist is to be approved by the General Manager or his delegate.
6. Separate development applications are to be submitted to Council for the viewing platforms and creek access facility within one month of commencement of work.
7. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse or drain.
8. Acid sulfate soils shall not be exposed or disturbed. The approved works shall not include earthworks, except as strictly necessary for approved vegetation clearing and replanting.

9. Existing vegetation shall not be removed, lopped or damaged, except as strictly necessary to complete the proposed works.
10. Runoff from the site shall not be permitted to flow or percolate to the Creek when pH is outside the range 6.5-8.5 or SS exceed 50mg/L.
11. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.
12. Lot 1971 DP 133919 is to be dedicated to Council at full cost to the applicant within one month of completion of the planting works. In this regard the land is to be classified as operational following completion of the dedication.

[GENNS01]

**PRIOR TO COMMENCEMENT OF WORK**

13. Prior to commencement of work all native vegetation that is not proposed to be removed is to be identified and clearly marked.
14. Prior to commencement of work liaison with the Department of Natural Resources is to be undertaken regarding any approvals required under the Native Vegetation Act.
15. Prior to commencement of work consultation with the Tweed Byron Local Aboriginal Land Council and the local Aboriginal community is to be undertaken regarding the presence of any heritage sites within the site. Additionally a search of the Department of Environment and Conservation's Aboriginal Heritage Information Management System (AHIMS) is to be undertaken. If the consultation or AHIMS reveals any sites requiring protection a report from a suitably qualified and experienced person is to be prepared and submitted to Council and the Department of Environment and Conservation for approval (in Council's case by the General Manger or his delegate) detailing mitigation and management of the site (s).
16. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be

[PCWNS01]



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]

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

[PCW0985]

#### **DURING CONSTRUCTION**

18. All vegetation that is identified for retention is to be protected during vegetation removal works.
19. The works proposed in DA 05/0793 are to be undertaken in conjunction with the works proposed in DA 05/1464 and DA05/0775. Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manager or his delegate.
20. All vegetation clearance works are to be supervised by a suitably qualified and experienced environmental scientist/ecologist.
21. All sedimentation and erosion control measures shall be installed and maintained to the satisfaction of the Director of Environment and Community Services.
22. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

[DURNS01]

Monday to Saturday from 7.00am to 7.00pm  
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]

23. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations. [DUR0415]
24. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
25. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
  - Minimise impact from dust during filling operations and also from construction vehicles
  - No material is removed from the site by wind
- [DUR1005]
26. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
27. Where potential or actual Acid Sulfate Soils are disturbed as a result of on-site excavation works, all such disturbed soils are to be managed in strict compliance with the Acid Sulphate Soil Management Plan for minor works. [DUR1075]
28. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]
29. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]

**USE**

30. 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, fumes or the like. [USE0125]

***FOR VOTE - Unanimous***

**P8 [PD-PC] Development Application DA05/0775 for Clearing and Replanting of Vegetation and a Cycleway Path and Beach Access at Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, L**

**P 152 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that upon written notification that Appeal No. 10215 of 2006 has been withdrawn Development Application DA05/0775 for clearing and replanting of vegetation, cycleway and beach access at Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, Lorna Street, Kingscliff be approved subject to the following conditions: -

**GENERAL**

1. This consent shall be completed in accordance with the Vegetation Management Plan - Eastern Boundary dated 17 August 2006 prepared by Cardno except where varied by the conditions of this consent. [GEN0005]
2. The maintenance period is to be five years from the date of planting works commencing.
3. The reports required by Section 9.1 of the Vegetation Management Plan are to be prepared by an independent suitably qualified and experienced environmental scientist/ecologist. The environmental scientist/ecologist is to be approved by the General Manager or his delegate.
4. The Vegetation Management Plan is to be amended to expand, diversify and increase the density of the tree species proposed for Vegetation Management Unit 1 and 2. The updated species list is to be submitted to Council for approval prior to commencement of planting by the General Manager or his delegate and the Department of Lands. In this regard the shrub list is to be removed for VMU I and replaced with *Banksia integrifolia*.
5. The following ground cover species are to be removed from Vegetation Management Unit 2 list- *Sporobolus virginicus*, *Zoysia macrantha*, *Spinifex sericeus*, *Stephania japonica* and *Ipomoea pes-caprae*.
6. *Juncus usitatatus* and *Scaevola calendulacea* are to be removed from all planting lists.
7. The Vegetation Management Plan is to be amended to include a schedule of works and performance requirements for weed removal similar to the Salt Lot 500 and 7(f) Management Plan.

8. The Vegetation Management Plan is to be amended to include a growth rate standard for planted trees of 1.5m after five years, an 80% survival rate for groundcovers shrubs and trees and 80% cumulative cover at the end of the five year maintenance period.
9. The Vegetation Management Plan is to be amended to include an additional three monitoring plots within VMU 2 is to be included and plots are to be chosen at random within each VMU.
10. The Vegetation Management Plan is to be amended to include further detail selective clearing work practices for VMU 1 and VMU 2 similar to that set out in section 5.1.2.
11. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse.
12. Acid sulfate soils shall not be exposed or disturbed. The approved works shall not include earthworks, except as strictly necessary for approved vegetation clearing and replanting and works contained in the management plan.
13. Existing vegetation shall not be removed, lopped or damaged, except as strictly necessary to complete the proposed works.
14. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.

[GENNS01]

**PRIOR TO COMMENCEMENT OF WORK**

15. Prior to commencement of work all native vegetation that is not proposed to be removed is to be identified and clearly marked.
16. Prior to commencement of work liaison with the Department of Natural Resources is to be undertaken regarding any approvals required under the Native Vegetation Act.
17. The cycleway path alignment is to be marked prior to works commencing.

18. The Vegetation Management Plan is to be amended in accordance with the requirements of this consent. The amended plan is to be submitted to Council for approval by the General Manager or his delegate and the Department of Lands prior to commencement of works.

[PCWNS01]

19. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, 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]

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

[PCW0985]

#### **DURING CONSTRUCTION**

21. All vegetation that is identified for retention is to be protected during vegetation removal works.
22. The works proposed in DA 05/0793 are to be undertaken in conjunction with the works proposed in DA 05/1464 and DA05/0775. Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manager or his delegate.
23. All vegetation clearance works are to be supervised by a suitably qualified and experienced environmental scientist/ecologist.
24. A post and rail fence similar to the fence constructed in the adjoining estates is to be constructed along the full length of the boundary between the eastern lots of Seaside City and Lot 500 DP 727420.

25. All sedimentation and erosion control measures shall be installed and maintained to the satisfaction of the Director of Environment and Community Services.

[DURNS01]

26. Construction 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 7.00pm  
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]

27. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

28. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.

[DUR0985]

29. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

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

[DUR1025]

31. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

32. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

**USE**

33. If any unlawful clearing occurs within Lot 500 DP727420 a visual barrier is to be erected in accordance with Section 9.1 of the Vegetation Management Plan.

[USENS01]

34. 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, fumes or the like.

[USE0125]

**DEPARTMENT OF PLANNING CONCURRENCE CONDITIONS**

- Any works on land on the private lots zoned 7(f) adjacent to Lot 500 shall be undertaken in accordance with the management requirements set out in the Management Plan for VMU 3.
- The alignment of the cycleway shall be designed by survey so it is located in an alignment that will limit the need to remove mature native vegetation species. This alignment should be marked out prior to any vegetation clearing occurring on the land.
- The boundary between VMU 2 and VMU 3 shall be marked out on the ground prior to any clearing taking place to avoid accidental clearing on VMU 2.

***FOR VOTE - Unanimous***

**P11 [PD-PC] Exhibition of Section 94 Contribution Plan No 28 - Seaside City**

**P 153 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED that:**

1. Council adopts the amended exhibited Section 94 Contribution Plan No 28 – Seaside City.
2. Council adopts the exhibited Planning Agreement for Seaside City.
3. Council gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that that Section 94 Contribution Plan No 28 – Seaside City comes into effect on the date of the notice.
4. Council gives public notice in the Tweed Link of the Planning Agreement.
5. Negotiations be commenced with the Kings Forest developers in relation to the provision of regional structured open space facilities in the locality.

***FOR VOTE - Unanimous***

**P12 [PD-PC] Draft Development Control Plan 55 – Seaside City**

**P 154 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that: -

1. Council adopts Draft Development Control Plan No. 55 – Seaside City as amended.
2. Council begin negotiations with the owners of lots at the south-eastern end of Lorna Street for the exchange of four (4) metres of land in Lorna Street for the same amount of land to the east of their properties.
3. This Development Control Plan be included in the Consolidated Development Control Plan.
4. A drainage plan be included as figure 3 in DCP55 and the other plan numbers be amended accordingly.

***FOR VOTE - Unanimous***

**ACKNOWLEDGEMENT OF STAFF**

Administrator Turnbull requested that staff be recognised for the successful outcome of the Seaside City development, as the development approval has existed since the 1920's.

**ADJOURNMENT OF MEETING**

Adjournment for Community Access at 5.45pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 6.04pm



**P1 [PD-PC] Development Application DA06/0698 for Expansion of the Ivory Tavern and Fitout and Use of a Bait and Tackle Shop at Lot 437 DP 755740, No. 156 Wharf Street, Tweed Heads**

**P 155 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Development Application DA06/0698 for the Expansion of the Ivory Tavern and fitout and use of a bait and tackle shop at Lot 437 DP 755740, No. 156 Wharf Street, Tweed Heads be approved subject to the following conditions (with the deletion of Condition 28, as numbered in the report): -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Floor Plan Nos 960 prepared by Ryder Hampton and dated 8 August 2006, except where varied by the conditions of this consent.  
[GEN0005]
2. Development Consent 0770/2000DA is to be amended to be consistent with the provisions of the Noise Level Impact Assessment report prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1).
3. Advertising structures/signs to be the subject of a separate development application, where statutorily required.  
[GEN0065]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
5. The tavern is to provide a free bus on a pick up and drop off basis and is to be available during all trading hours of the hotel. The bus will have a minimum seating capacity of 12 persons.
6. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan. Use or occupation of the building is not permitted until all contributions have been paid to Council.

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current

version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:\$10,423  
S94 Plan No. 4 (Version 4.0)  
Sector 2 - Tweed Heads South

[GENNS01]

7. 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.

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

Use or occupation of the building is not permitted until all contributions have been paid to Council.

Water: 17.4ET @ \$4598 \$67,591

Sewer: 23.5560 ET @ \$2863 \$67,441

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

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.

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.

[PCC0265]

8. 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]

9. The premise 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]

10. Prior to occupation of the building, a post construction noise level report prepared by a qualified acoustic engineer is to be prepared and submitted to Council for consideration. Such report shall address the requirements for establishing suitable operating noise levels for internal amplified music and all plant and equipment so as to prevent the creation of offensive or unreasonable noise levels occurring at adjacent residential properties.

The report shall also give consideration to mechanisms to be included in the design of the amplified music installation to restrict the amplified music to any approved maximum internal level. No internal amplified music shall be played prior to Council approving such a report.

[POCNS01]

11. Signs specifying any approved maximum noise level for internal amplified music are to be prominently displayed in all areas where there are means available to alter any approved level.

[POCNS02]

#### **PRIOR TO COMMENCEMENT OF WORK**

12. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCW1075]

#### **DURING CONSTRUCTION**

13. Construction 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 7.00pm  
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]

14. 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]

15. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

16. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a

smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.

[DUR1495]

17. All flooring materials in the bar areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.  
[DUR1505]
18. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.  
[DUR1545]
19. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.  
[DUR2185]
20. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.  
[DUR2475]
21. 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. Pre-treatment device service frequency will be approved by Councils Manager Water.  
[DUR2595]
22. Any premises used for the storage, preparation or sale of food shall comply with the relevant provisions of the Food Act 2003, Australian and New Zealand Food Standards Code, and Australian Standard AS 4674 - Design, Construction and Fitout of Food Premises.
23. The burning of builders waste on site by open fire is prohibited.
24. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
25. All work associated with approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
26. All plant and equipment as specified in the Noise Level Impact Assessment Report prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1) is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.
27. Where plant and equipment is proposed to be provided or is placed different than that used for the basis of the Noise Level Impact Assessment Report

prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1), then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment.

- ~~28. If levels of amplified music are proposed other than that which has been allowed for in the Noise Level Impact Assessment Report prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1), then the recommendations in the report relating to sound shell isolation are to be examined. A report from a qualified Acoustic Engineer is to be provided to Council detailing any sound shell isolation measures proposed for approval prior to installation.~~

**Note: subsequent conditions renumbered, commencing from 28.**

**USE**

28. 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, fumes or the like. [USE0125]
29. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
30. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends. [USE0165]
31. Trading hours of the Tavern are restricted to the following: -
- \* 10.00am to 10.00pm - Sunday to Wednesday
  - \* 10.00am to 11.00pm - Thursday to Saturday
- Trading Hours of the Bait and Tackle Shop are restricted to the following: -
- \* 8.30am to 5.00pm - Monday to Friday
  - \* 8.00am to 3.00pm - Saturday and Sunday
  - \* All deliveries and pickups relating to the business are to occur within the approved hours [USE0185]
32. No items or goods are to be stored or displayed outside the confines of the premises. [USE0445]

33. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
- [USE0535]
34. No amplified music is to be played in any way externally to the building. The use of large-scale amplification systems in any external areas of the building i.e. outside dining and boardwalk areas, is strictly prohibited.
35. All buses and other vehicles engaged in the letting down and picking up of patrons/occupants are required to switch off their engines if they are standing for a period of time greater than two (2) minutes.
36. All deliveries, including the entering and leaving of delivery vehicles, are to occur between the hours of 8.00am and 4.00pm Monday to Friday.
37. A Management Plan shall be prepared that addresses appropriate measures to be taken to ensure that staff and patrons do not cause offensive noise either during the hours of operation of the tavern or following the closing of the tavern. Such Management Plan shall address, but not be limited to the following:
- a) Measures to be taken to ensure that offensive noise is not created by either staff or patrons within the car parking areas.
  - b) Measures to be taken to ensure that staff do not create offensive noise during the course of operations of the tavern e.g. Dumping of bottles into waste bins during the night or early mornings.
- Such Management Plan is to be submitted to Council's Director of Environment and Community Services for consideration.
38. Garbage collection shall be limited to between the hours of 8.00am and 10.00am Monday, Wednesday and Friday in accordance with the Noise Impact Assessment report prepared by Craig Hill Acoustics dated 31 August 2006 (reference: Pier 2 310806/1) or to the satisfaction of Council's Director of Environment and Community Services.
39. All external lighting associated with the tavern building, including the bait and tackle shop, is to be shielded where necessary or required so as to prevent nuisance to any adjacent residential premises.
40. No form of public entertainment is to be carried out on the premises unless an approval for a Place of Public Entertainment has been obtained pursuant to the provisions of Section 68 of the Local Government Act, 1993.
41. No food, with the exception of beverages, shall be stored and/or prepared within the bar area.
-

42. The bait and tackle shop shall be limited to the sale of pre-packaged food only. No food is to be prepared within this area.
43. The premises shall comply with the requirements of The Liquor Administration Board.
44. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USENS01]
45. The use being restricted to the floor area designated on the approved plan. [USE0415]
46. All loading/unloading to take place within the boundary of the subject property in the specified loading bay areas. [USE0525]
47. All food handling areas and persons engaged in the preparation and handling of food supplied to patrons or occupants are to comply with the provisions of the Foods Act 1989 and the provisions of the Food Standards Code as called into force by the Food Regulation 2001. [USE0825]

**FOR VOTE - Unanimous**

**P2 [PD-PC] Development Application DA06/0271 for Multi Dwelling Housing Comprising Six (6) Town Houses at Lot B DP 385567, No. 40 Dry Dock Road, Tweed Heads South**

**P 156 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that: -

1. The fence height variation and building line variation be supported.
2. Development Application DA06/0271 for multi dwelling housing comprising six (6) town houses at Lot B DP 385567, No. 40 Dry Dock Road Tweed Heads South be approved subject to the following conditions: -

**GENERAL**

1. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
2. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos

- SP 2, prepared by Bristow Architects, and dated 20/06/2006,
- SP 3, prepared by Bristow Architects, and dated 20/06/2006,
- SP 4, prepared by Bristow Architects, and dated 20/06/2006,
- SP 5, prepared by Bristow Architects, and dated 20/06/2006, and
- SLI 01 Ver.C, prepared by Planit Consulting and dated June 2006,

except where varied by the conditions of this consent.

[GEN0005]

3. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

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

[GEN0135]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan: \$4,378



S94 Plan No. 4 (Version 4.0) Sector2_4	
(b) Open Space (Structured): S94 Plan No. 5	\$2,280
(c) Open Space (Casual): S94 Plan No. 5	\$487
(d) Shirewide Library Facilities: S94 Plan No. 11	\$2,012
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$409
(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15 North Coast	\$2,460
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$586
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,708.45
(i) Cycleways S94 Plan No. 22	\$1,028
(j) Regional Open Space (Structured) S94 Plan No. 26	\$6,799
(k) Regional Open Space (Casual) S94 Plan No. 26	\$2,499

[PCC0215/PSC0175]

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

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

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Water DSP4: 5 ET @ \$4598 \$22,990  
Sewer Banora: 5 ET @ \$2863 \$14,315

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.

[PCC0265/PSC0165]

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

[PCC0465]

8. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

9. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
  - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
  - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle

management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

10. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

[PCC1135]

11. 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 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

12. 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]

13. Building works in the vicinity of Council's existing sewer main are to comply with the following requirements;
- a) All footings are to be located a minimum of 1m horizontally clear of the sewer main, such that the main is outside the zone of influence of all footings. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.
  - b) Any fencing erected across the sewer main shall be designed and constructed with removable panels.
  - c) Any above-ground structures erected over the sewer main shall provide a minimum vertical clearance of 2.4m from finished ground level to the underside of the structure or any associated protrusion.
  - d) The car wash bay being constructed over the sewer main shall be provided with non-interlocking permeable paving (paving units to be maximum 600mm sq.).

Any driveway slabs constructed over the sewer main shall be in plain grey concrete *only*. In such instances a keyed and dowelled construction joint is to be provided in the slab, a minimum of 1m from the sewer main. This construction joint does not need to be on both sides of the sewer main or parallel to it, and can be located to align with other adjacent features.

[PCCNS01]

14. Prior to the issue of the construction certificate, amended plans are required: -
- \* which se the north-eastern side setback to a minimum of 1.5m, and
  - \* the north-eastern side decks are to be redesigned so that they are regular in shape. The shade sails must also be redesigned accordingly.

The above is to be submitted to Council and shall be completed to the satisfaction of the Director of Planning and Development.

[PCCNS02]

15. The site is to be filled to a minimum level of RL 2.6m AHD. The fill is to be retained by perimeter structural walls with concrete lined perimeter drainage or other approved treatment. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimizing the impact of filing on local drainage. Detailed engineering plans of fill levels

and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

**PRIOR TO COMMENCEMENT OF WORK**

16. 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]

17. 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]

18. 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]

19. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (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]

20. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, 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]

21. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
- (i) the method of protection; and
- (ii) the date of installation of the system; and
- (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

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

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.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

23. 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]
24. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.  
[PCW1165]
25. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.  
[PCW1005]
26. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.  
[PCW0005]
27. 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]
28. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.  
[PCW0705]

#### **DURING CONSTRUCTION**

29. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.  
[DUR0005]
30. Construction 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 7.00pm
- 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]

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

[DUR0245]

32. 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]

33. 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]

34. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

35. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

36. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

37. 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]

38. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

39. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

40. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR2245]
41. 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]
42. 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 NSW Code of Practice for Plumbing and Drainage. [DUR2495]
43. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
44. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
45. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR2525]
46. 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]
47. 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:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>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]

48. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

49. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR2645]

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. 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.

L10 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.

L10 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]

52. Provision to be made for the designation of 1 durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0975]

53. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[DUR2205]

54. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

55. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

56. No acid sulfate soil shall be disturbed as a result of the development.

[DURNS01]

57. The burning off of trees, associated vegetation felled by clearing operations and the like, and builders waste is prohibited.

[DURNS02]

58. 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]

59. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

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.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

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

[DUR0995]

61. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Dry Dock Road in accordance with Councils adopted Development Design and Construction Specification.

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.

[DUR1735]

62. 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 adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

63. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

64. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

65. 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]

66. Prior to the issue of an occupation certificate: -

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
  - (i) the method of protection; and
  - (ii) the date of installation of the system; and
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and

- (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

67. 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]

68. 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]

69. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

70. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the development. A detailed landscaping plan with species and density of planting to be submitted to Council, prior to the issue of building approval.

[POC0475]

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

[POC0005]

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

[POC0985]

73. The existing disused layback is to be removed and replaced with kerb and gutter to match existing, in accordance with Council's adopted Design and Construction Specifications.

[POCNS01]

74. An easement to drain sewage (in accordance with Council's standards: minimum 3m wide) is to be created over the existing sewer main that traverses the site. Furthermore, the owner shall indemnify Council for any and all future damage to the development that may occur, as a result of Council needing to access the sewer main at any time in the future. Documentary evidence of easement creation is to be submitted to Council prior to issue of the Occupation Certificate.

[POCNS02]

## USE

75. 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 noise.

[USE0175]

76. 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 creating a nuisance to neighbouring or adjacent premises.

[USE0225]

77. All externally mounted air conditioning units, water tank pumps and any other associated equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

**FOR VOTE - Unanimous**

**P4 [PD-PC] Review of Determination of Development Application DA04/1546 for the Demolition of Existing Dwelling, Filling of Site and Multi Dwelling Housing Development Comprising Six (6) x Three (3) Bedroom Townhouses at Lot 3 DP 1066634, No. 19 Lloyd Stree**

**P 157 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that the Review of Determination for Development Application DA04/1546 for the demolition of existing dwelling, filling of site and multi dwelling housing development comprising six (6) x three (3) bedroom townhouses at Lot 3 DP 1066634, No. 19 Lloyd Street, Tweed Heads South be approved subject to the following conditions: -

**GENERAL**

1. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

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

[GEN0135]

3. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos. 9703/wd/01A, 9703/wd/02A and 9703/wd/03A prepared by Pat Twohill Designs PTY. LIMITED and all dated March 2004, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

6. Section 94 Contributions

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

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

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

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

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

- |  |         |
|--|---------|
| (a) Tweed Road Contribution Plan:<br>S94 Plan No. 4 (Version 4.0)<br>Sector2_4 | \$4,378 |
|--|---------|

Heavy Haulage Component



Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$  heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads (trip one way)

\\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

(b) Open Space (Structured): S94 Plan No. 5	\$2,280
(c) Open Space (Casual): S94 Plan No. 5	\$487
(d) Shirewide Library Facilities: S94 Plan No. 11	\$2,012
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$409
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$586
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,708.45
(h) Cycleways S94 Plan No. 22	\$1,028
(i) Regional Open Space (Structured)	\$6,799

S94 Plan No. 26

- (j) Regional Open Space (Casual) \$2,499  
S94 Plan No. 26

[PCC0215]

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

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

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

Water DSP4:	3.8 ET @ \$4598	\$17,472
Sewer Banora:	5 ET @ \$2863	\$14,315

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.

[PCC0265]

8. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

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

[PCC0485]

9. The site is to be filled to a minimum level of RL 2.65m AHD. The fill is to be retained by perimeter structural walls with concrete lined perimeter drainage

or other approved treatment. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimizing the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

10. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

11. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works within the road reserve.

[PCC0885]

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

[PCC0945]

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

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

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

(c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

(d) Specific Requirements to be detailed within the Construction certificate application include:

(i) All runoff from impervious driveway and hardstand areas must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent devices must be sized in accordance with Section D7.12 of Council's *Development Design Specification D7 - Stormwater Quality*. Full engineering details, including maintenance schedules, must be submitted with a Section

68 Stormwater Application for approval prior to the issue of a Construction Certificate.

- (ii) Roof Water does not require treatment and should be discharged downstream of treatment devices, or the devices must be sized accordingly.
- (iii) Stormwater discharge controls shall be carried out in accordance with Cozens Regan Williams Prove "Stormwater Management Plan" (dated July 2002), or subsequent amendments approved by Council.

[PCC1105]

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

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

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

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

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

16. All retaining walls are to be designed by a suitability qualified Geotechnical / structural engineer in accordance with AS4678 - 2002 - Earth retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the construction certificate drawings.

All retaining structures, batters and associated drainage shall be contained wholly within the subject land, unless otherwise specified in these conditions of consent.

17. The filling is to be retained by perimeter structural walls or batters, with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the General Manager or delegate prior to the release of the Construction Certificate. Retaining walls shall be designed and constructed according to AS4678-2002 Earth-retaining Structures. These details shall include all measures incorporated into the wall design in the vicinity of Council's sewer line, to protect and facilitate maintenance on this service as required. The filling plan of the site shall address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

All retaining walls are to be designed by a suitably qualified Geotechnical / structural engineer in accordance with AS 4678 - 2002 - Earth retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the construction certificate drawings.

18. No retaining walls or similar structures are to be constructed over Council's sewer main.

The proposed retaining wall is to be located to achieve a minimum, clear 1m horizontal buffer between the outer edge of the sewer pipe and any part of the retaining structure.

The retaining structure may straddle the existing sewer main within the property, provided suitable bridging details are provided with the Construction Certificate application and approved by the General Manager or delegate.

19. The placement of paving over the sewer line is to be an interlocking paving system to allow for maintenance.

[PCCNS01]

20. Prior to the issue of a Construction Certificate the applicant is to submit a detailed schedule of colours and materials for approval by the General Manager or his delegate.

[PCCNS02]

#### **PRIOR TO COMMENCEMENT OF WORK**

21. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

22. 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]

23. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

24. 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]

25. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (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]

26. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, 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]

27. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
- (i) the method of protection; and
  - (ii) the date of installation of the system; and
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

28. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW0965]

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

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.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

30. 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**

31. Construction 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 7.00pm  
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. 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]

33. 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 Authority.

[DUR0645]

34. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0655]

35. No filling to is 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]

36. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0805]

37. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0815]

38. Provision of an adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

[DUR0965]

39. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.

[DUR0985]

40. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

41. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
-

[DUR2195]

42. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

43. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

44. The burning off of trees, associated vegetation felled by clearing operations, and builder's waste is prohibited.

[DURNS01]

45. 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.

L10 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.

L10 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]

46. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

[DUR0745]

47. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0755]

48. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

[DUR0785]

49. The proposed earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard (minimum) in accordance with AS 3798. A certificate from a registered Geotechnical

- Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion. [DUR0795]
50. All fill and cut batters shall be obtained wholly within the subject land. [DUR0825]
51. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
52. 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 adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
53. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. [DUR1955]
54. 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 works are complete. [DUR2375]
55. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
56. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main. [DUR2645]
57. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including

the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

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.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base. [DUR0065]

- 58. 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]

- 59. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust. [DUR0385]

- 60. 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]

- 61. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. [DUR0425]

62. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
63. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning. [DUR0915]
64. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
65. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR2245]
66. 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.  
completion of work and prior to occupation of the building. [DUR2485]
67. 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 NSW Code of Practice for Plumbing and Drainage. [DUR2495]
68. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
69. 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]
70. 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:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>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]

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

Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole.

[DUR2655]

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

72. A 3 metre wide easement is to be created over the 150mm line prior to the issue of an occupation certificate.

[POCNS01]

73. 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]

74. A survey certificate signed by a registered surveyor is to be submitted to the PCA at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 2.95m AHD.

[POC0565]

75. 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]

### **USE**

76. 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 creating a nuisance to neighbouring or adjacent premises.

[USE0225]

77. 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, fumes or the like.

[USE0125]

**FOR VOTE - Unanimous**

**P5 [PD-PC] Development Application DA05/1491 for Change of Use from Motel to Multi-Dwelling Housing for 12 Units within Block No. 3 at Lot 1 DP 541241, No. 49 Tamarind Avenue, Bogangar**

**P 158 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that Development Application DA05/1491 for change of use from motel to multi-dwelling housing for 12 units within Block No. 3 at Lot 1 DP 541241, No. 49 Tamarind Avenue Bogangar be approved subject to the following conditions:-

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No 14841 D prepared by B & P Surveys and dated 7/11/05, except where varied by the conditions of this consent.

[GEN0005]

**PRIOR TO COMMENCEMENT OF WORK**

2. The developer shall provide a total of 59 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Director of Planning & Development prior to commencement of works.

[PCWNS01]

3. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

**DURING CONSTRUCTION**

4. The provision of 59 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.

[DUR0085]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

5. 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]

6. Provide balustrade protection to the dining room windows of the upper floor units in accordance with current requirements of the Building Code of Australia or provide a permanently fixed security screens in the window openings.  
[POCNS01]
7. Provide waterproofing of the laundry alcoves in accordance with Part F of the current Building Code of Australia.  
[POCNS02]
8. Provide clothes drying facilities in accordance with current requirements of the Building Code of Australia.  
[POCNS03]
9. All balustrade railing is to comply with current requirements of the Building Code of Australia.  
[POCNS04]
10. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.  
[POC0525]
11. A satisfactory final inspection of the building is to be carried out by Council prior to occupation or use commencing.  
[POC0255]

12. Section 94 Contributions

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

An Occupation Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- |   |         |
|---|---------|
| (a) Tweed Road Contribution Plan:<br>S94 Plan No. 4 (Version 4.0) | \$8,813 |
|---|---------|
-



Sector7a\_4

(b) Open Space (Structured): S94 Plan No. 5	\$4,296
(c) Shirewide Library Facilities: S94 Plan No. 11	\$3,060
(d) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,080
(e) Community Facilities (Tweed Coast - South) S94 Plan No. 15 South Coast	\$2,377
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$910
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$913.54
(h) Cycleways S94 Plan No. 22	\$2,760
(i) Regional Open Space (Structured) S94 Plan No. 26	\$18,251
(j) Regional Open Space (Casual) S94 Plan No. 26	\$6,708

[POCNS05]

**USE**

13. 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, fumes or the like.

[USE0125]

14. The use being restricted to the floor area designated on the approved plan.

[USE0415]

15. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[USE0735]

**FOR VOTE - Unanimous**

**P9 [PD-PC] Exhibition and Adoption of the Tweed Development Control Plan**

**P 159 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that Council: -

1. Adopts the exhibited Consolidated Tweed Development Control Plan.
2. Gives public notice in the Tweed Link of its decision to adopt Tweed Development Control Plan in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the Tweed Development Control Plan comes into effect on the date of the gazettal of the Tweed Local Environmental Plan No. 87.

***FOR VOTE - Unanimous***

**P13 [PD-PC] Murwillumbah Locality Plan, Knox Park Masterplan and Scoping Study - Selection of Consultancy**

**P 160 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council engages the services of Architectus to undertake the Murwillumbah Town Centre Project in accordance with their Tender document and Council's Project Brief for the amount of \$80,000 (excluding GST).

***FOR VOTE - Unanimous***

**P 161 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RESOLVED** that the Committee resumes in Open Council under the Chairmanship of Administrator Willan.

***FOR VOTE - Unanimous***

**201 COUNCIL DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RESOLVED** that the recommendations of the Planning Committee held Tuesday, 17 October 2006 be adopted.

***FOR VOTE - Unanimous***

**OPERATIONS COMMITTEE**

**202 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that Council resolves itself into the Operations Committee under the Chairmanship of Administrator Willan.

***FOR VOTE - Unanimous***

**REPORTS THROUGH THE GENERAL MANAGER**

**01 [GC-OC] Pecuniary Interest Returns and Register 2005/2006**

**0 268 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that the Pecuniary Interest Returns for the period 1 July 2005 to 30 June 2006, as tabled, be noted.

***FOR VOTE - Unanimous***

**O2 [GC-OC] Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors**

**0 269 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RECOMMENDED** that the 'Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors' Draft Policy be placed on exhibition for public comment for at least 28 days, for further consideration at its meeting of 19 December 2006.

**FOR VOTE - Unanimous**

**O3 [GC-OC] 2005/2006 Statutory Financial Reports / Audit Report**

**0 270 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that:

1. Council adopts the tabled 2005/06 Financial Reports, as required by Section 413 (2) (c) of the Local Government Act, 1993 as follows:-

The financial statements are drawn up in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder;
  - The Australian Accounting Standards and professional pronouncements;
  - The Local Government Code of Accounting Practice and Financial Reporting, and
  - The reports, to the best of our knowledge;
  - Present fairly the Council's operating result and financial position for the year, and
  - Accord with Council's accounting and other records.
2. Council continues to develop a list of priority projects, to be incorporated into the long term financial plan, so a planned strategic approach to works and services may be continued to be implemented, whilst maintaining Council's sound financial position.
  3. The General Manager prepares a report which will describe the manner in which improved asset management practices will be adopted.

***FOR VOTE - Unanimous***

**O4 [GC-OC] AusIndustry - Regulation Reduction Incentive Fund (RRIF)**

**0 271 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RECOMMENDED** that Council accepts the funding grant of \$42,544 from the Local Government and Shires Association NSW (LGSA), which forms part of the AusIndustry's Regulation Reduction Incentive Fund and votes the expenditure.

***FOR VOTE - Unanimous***

**O5 [GC-OC] Monthly Investment Report for the Period Ending 30 September 2006**

**0 272 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RECOMMENDED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 September 2006 totalling \$131,394,463.15 be received and noted.

***FOR VOTE - Unanimous***

**O6 [EO-OC] Tweed Valley Floodplain Risk Management Study & Draft Plan 2005 Part 2 - Planning Controls for High Flow Areas**

**0 273 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RECOMMENDED** that Council:-

1. Adopts the Tweed Valley Floodplain Risk Management Study & Draft Plan 2005, Part 2 - Planning Controls for High Flow Areas, with various minor amendments identified from the exhibition period, as detailed in the

amended Draft Tweed Valley Floodplain Risk Management Study appended to this report.

2. Undertakes to amend Clause 34 of the Tweed Local Environment Plan 2000 to include local provisions relating to the development of flood liable land, and specifically the objective of protecting the natural hydraulic properties of the floodplain from impacting development, in accordance with the Standard Instrument (Local Environment Plans) Order 2006, and as detailed in the amended Draft Tweed Valley Floodplain Risk Management Study.
3. Undertakes to amend Development Control Plan No.5 - Development of Flood Liable Land to implement the recommendations of the Tweed Valley Floodplain Risk Management Study and Draft Plan 2005, Part 2 - Planning Controls for High Flow Areas, as detailed in the amended Draft Tweed Valley Floodplain Risk Management Study.
4. Reviews the Murwillumbah Floodplain Management Plan 1989 in a future Part of the Tweed Valley Floodplain Risk Management Study 2005, including the identification and assessment of options for compensation of the landholder(s) of Lot 4 DP 591605 resulting from the prohibition of development due to the high flood flow properties of the land.

***FOR VOTE - Unanimous***

**07 [EO-OC] Tweed Valley Floodplain Risk Management Study - Part 3 - Habitable Land Uses on the Floodplain**

**0 274 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that:-

1. The Floodplain Management Committee considers the Draft Tweed Valley Floodplain Risk Management Study - Part 3 - Habitable Land Uses on the Floodplain;
2. After consideration by the Floodplain Management Committee, the draft may be amended by the Committee and placed on public exhibition.

***FOR VOTE - Unanimous***

**O8 [EO-OC] EC2006-109 Trenchless Crossings for DN300 Water Main and DN600 Effluent Main Pacific Highway Chinderah**

**0 275 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that:-

1. Council awards the contract EC2006-109 Trenchless Crossings for DN300 Water Main and DN600 Effluent Main Pacific Highway Chinderah to UEA Pty Ltd for the lump sum price of \$256,947.00 (excluding GST).
2. The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract price.

***FOR VOTE - Unanimous***

**O9 [EO-OC] EC2006-083 - Construction of Sewage Pump Station 5028, Pottsville**

**0 276 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that:-

1. Council awards Contract EC2006-083 for the construction of Sewage Pump Station 5028 to Telfer & Co Pty Ltd for the amount of \$596,950.00 (excluding GST);
2. The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum.

***FOR VOTE - Unanimous***

**O10 [EO-OC] EC2005-033 Quarterly Variation Report on Contract - Construction of the Kingscliff Sewage Treatment Plant**

**0 277 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED that:-**

1. The September 2006 Quarterly Variations of \$745,421.57 (exclusive of GST) for Contract EC2005-033 Construction of the Kingscliff Sewage Treatment Plant, be received and noted:-
  - a) Variation No.16 - Poly Batch Plant, Upgrade to Omron PLC (\$5,272.00 GST Excl.)
  - b) Variation No.17 - Grit Concentrator added to the Inlet Works (\$6,500.00 GST Excl.)
  - c) Variation No.18 - Clarifier Conduits- change central conduit material from PVC to stainless steel (\$2,425.00 GST Excl.)
  - d) Variation No.19 - Stopboard for Dechlorination Tank (1.160 wide x 3.200m high) (\$9,685.00 GST Excl.)
  - e) Variation No.20 - FRH unable to operate from site offices at Kingscliff due to delays in provision of ADSL phone/internet services. FRH had to set up temporary offices at Tweed Heads South to run the project for 4 weeks (\$7,475.00 GST Excl.)
  - f) Variation No.21 - Extension of services to future Mechanical and Electrical Workshop (\$47,495.00 GST Excl.)
  - g) Variation No.22 – Negative variation for deletion of subsoil drains under road kerbs (-\$19,095.00 GST Excl.)
  - h) Variation No.23 - Extra tests and impact rolling of area 1A due to poor foundation conditions (\$6,132.17 GST Excl.)
  - i) Variation No.24 - Place and remove additional material for preload of Inlet Works and Oxidation Tank to help remedy poor foundation conditions (\$98,666.00 GST Excl.)
  - j) Variation No.25 – Negative variation to replace 63mm Service with 50mm Services for Hose Cocks (-\$1,604.70 GST Excl.)
  - k) Variation No.26 – Increase capacity of Sludge Lagoons (\$130,000.00 GST Excl.)
  - l) Variation No.27 – Provide power Supply to future Mechanical and Electrical Workshop and extend electrical conduit to Control Building (\$61,815.00 GST Excl.)
  - m) Variation No.28 – Negative variation for deletion of 40mm topping to floors of both Clarifiers (-\$36,340.00 GST Excl.)
  - n) Variation No.29 – Negative variation for Sludge Dewatering Building equipment size reductions and improvements (-\$47,859.00 GST Excl.)
  - o) Variation No.30 - Negative Variation due to reduction in scope of works due to raising of Sludge Lagoons: avoiding working in groundwater,



- avoiding acid sulfate treatment of spoil, revised lining system, revised concrete mix (-\$104,080.00 GST Excl.)
- p) Variation No.31 - Additional Costs Sludge Dewatering Plant: revised price for the alternative equipment and training for sludge dewatering facility. (\$73,277.10 GST Excl.)
  - q) Variation No.32 - Construction of additional joints in walls and slab of Oxidation Tank to accommodate potential differential settlement due to unexpected poor foundation conditions. (\$495,469.00 GST Excl.)
  - r) Variation No.33 - Redesigned thrust blocks (2 off) with steel reinforcement and larger footprint required as original design did not take into account multi pipes (\$1,895.00 GST Excl.)
  - s) Variation No.34 - Installation of additional monitoring equipment to assess performance of preload material above Oxidation Tank (relates to poor foundation conditions). (\$8,294.00 GST Excl.)
2. The Director of Engineering and Operations' delegated authority be increased from the current 10% of the original contract sum (i.e. \$2,997,073) to a total of 15% of the original contract sum, (i.e. \$4,495,610), and in accordance with approved budget estimates.

***FOR VOTE - Unanimous***

- 011 [EO-OC] EC2005-193 Quarterly Variation Report on Contract - Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant**

**0 278 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that the Variations of \$118,357.17 (exclusive of GST), for the period 1 July to 30 September 2006, for Contract EC2005-193 Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant, be received and noted.

***FOR VOTE - Unanimous***

- 012 [EO-OC] EC2006-114 Supply and Delivery of One (1) 25,000 Kg Operating Weight Screening Machine**

**0 279 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council: -

1. Accepts the tender from Precision Screen Pty Ltd for the supply of one (1) Fintec 542 Screening Machine in accordance with Tender No EC 2006-114, for the price of \$228,030.45 GST exclusive. Plant No 9904.
2. Trades/Sells one (1) surplus to requirements Lincom Power Screen complete with two (2) stock pilers to Precision Screen Pty Ltd 39 Quindus Street Wacol QLD 4076 for \$64,000.00 GST exclusive. Plant No 9904.

***FOR VOTE - Unanimous***

**013 [EO-OC] Application to Close and Relocate Part of Road Reserve - Parish of Condong**

**0 280 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that :-

1. Council approves the closure of the road reserve, which runs through Lot 4 DP 231719 being approximately 90m in length and 20.115m in width.
2. The applicant bears all the survey and legal costs and opens an alternate road reserve at their cost, within Lot 1 DP 771838, approximately 200m in length and 20.115m in width, as per the attached diagram.
3. The title of the closed road be consolidated with the adjacent land at the applicants cost.
4. Easements be created over public authority reticulation services, as required.
5. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O14 [EO-OC] Application to Close and Purchase Part of Road Reserve - Everinghams Road, Pumpenbil**

**0 281 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED that:-**

1. Council approves the closure of the road reserve, which runs through Lot 4 DP 1071380;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. The title of the closed road be consolidated with the adjacent land at the applicant's cost;
4. Easements be created over public authority reticulation services, as required; and
5. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O15 [EO-OC] Acquisition of Easements within Crown Land and Lot 2 DP 727324 - Murwillumbah**

**0 282 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED that:-**

1. Council approves the acquisition of Easements for Rising Main 3 and 4 metres wide within Lot 1 DP 128281 and Lot 2 DP 727324 and Portion 49 DP 755724 registered as DP 1042666 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Council approves the acquisition of Easements for Sewage 4 metres wide and variable and Easement to Drain Water 4 metres wide and variable within Portion 49 DP 755724 registered as DP 1093716 under the

provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; and

3. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O16 [EO-OC] Roads to Recovery Supplementary Program**

**0 283 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that the projects included on the Roads to Recovery Supplementary Program are –

1. Tyalgum Road 2.4km from Tyalgum – Rehabilitation of pavement for 0.8km;
2. Bilambil Road Terranora – rehabilitation of pavement from Gladioli Avenue to Naponyah Road – 1.1km;
3. Coronation Avenue Pottsville – rehabilitation of pavement from Phillip Street west for 0.4km;
4. Wardrop Valley Road Murwillumbah – widening and strengthening of pavement from Lundberg Avenue to Pistol Club – 0.75km.

***FOR VOTE - Unanimous***

**O17 [EO-OC] RR-ISK Program**

**0 284 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council accepts the \$5,000 contribution from the NRMA for the conduct of the RR-ISK program and ratifies the expenditure on the program.

***FOR VOTE - Unanimous***

**O18 [EC-OC] Tweed Heads Civic Centre Precinct Masterplan**

**0 285 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council:-

- 1 Exhibits a proposal for the Tweed Heads Civic Centre Precinct which analyses alternatives for the long term retention and expansion of the Southern Cross University on its present Tweed Heads Campus site for public comment.
2. Canvas public comment about the possibility of a:
  - a) long term lease; or
  - b) sale of a strata interest (but not a freehold interest)

in a portion of land on the corner of Brett and Wharf Streets which will enable the construction of a new university building in the Tweed Heads Civic Centre Precinct.

***FOR VOTE - Unanimous***

**O19 [EC-OC] Proposed Transfer of Mobile Fire Assets**

**0 286 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council advises the Local Government Association of NSW and Shires Association of NSW of its support for the transfer of its mobile fire assets to the NSW Rural Fire Service.

***FOR VOTE - Unanimous***

**O20 [EC-OC] Control of Burning**

**0 287 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council:

1. Seeks an amendment to the Protection of the Environment Operations (Clean Air) Regulation 2002 to list Tweed Shire within Part 2 of Schedule 8 of the Regulation.
2. Seeks the Department of Environment and Conservation's opinion with a view to grant an approval for the purposes of Part 2A of the Protection of the Environment Operations (Clean Air) Regulation 2002 and 1) above in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew, by means of a notice published in the Tweed Link, subject to the following conditions:
  - (i) in any area other than an area zoned Residential 2(a)-(f) or Environmental Protection 7(a), (d), (f) & (l) as defined within Tweed Local Environment Plan 2000, and
  - (ii) has a minimum land parcel size of 1 hec, and
  - (iii) the burn is located at a minimum distance of 250m from any other dwelling, school, hall, place of assembly or the like, and
  - (iv) the activity complies with any other provisions of the Protection of the Environment Operations Act 1997 and its subordinate legislation and/or the provisions of any other relevant legislation,
  - (v) the period of the approval is indefinite unless revoked.

***FOR VOTE - Unanimous***

**O21 [EC-OC] Support of Motion by Camden Council to Local Government Association Annual Conference - Licensing of Aerated Wastewater Treatment System (AWTS) Service Agents**

**0 288 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council supports the motion put forward by Camden Council to the Local Government Association Annual Conference calling on the NSW State Government to introduce a system of licensing of Aerated Wastewater Treatment System (AWTS) Service Agents by the Department of Fair Trading.

***FOR VOTE - Unanimous***

**O22 [EC-OC] Tweed Regional Library Committee**

**0 289 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Council replaces the Manager Environment and Health with the Manager Community & Cultural Services as Council's delegate to the Tweed Regional Library Service Committee and the Committee be advised accordingly.

***FOR VOTE - Unanimous***

**O23 [EC-OC] Entomological Control Report for Period June - September 2006**

**0 290 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that this report be received and noted.

***FOR VOTE - Unanimous***

**ITEM MOVED FROM CONFIDENTIAL TO ORDINARY**

**O24 [EO-CM] Lease to Murwillumbah Pistol Club - Wardrop Valley**

**0 291 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that:-

1. Council approves entering into a five year lease with an option for a further five years with the Murwillumbah Pistol Club for an area comprising 5730 square metres within Lot 10 in DP 258122 at Wardrop Valley at an initial rental of \$400 per annum, subject to CPI increases and subject to:
  - the inclusion of the target enclosure for the 50 metre firing range, which is currently within Crown Road Reserve, by way of road closure and purchase, at the cost of the Club;
  - the Club acknowledging that future development of the locale occurring may impact on the future operation of the facility and that any necessary ameliorative works required by statutes or regulations relating to the activities of the Club are to be borne by the Club;
  - the Club bearing all costs in relation to the creation of a leasehold parcel including the preparation and lodgement of a subdivision plan for leasehold purposes.
2. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**0 292 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that the Committee resumes in Open Council under the Chairmanship of Administrator Willan.

***FOR VOTE - Unanimous***



**203 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that the recommendations of the Operations Committee held Tuesday, 17 October 2006 be adopted.

***FOR VOTE - Unanimous***

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**Schedule of Outstanding Resolutions**

**204 COUNCIL DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RESOLVED** that this report be received and noted.

***FOR VOTE - Unanimous***

**ADMINISTRATOR'S MINUTE**

**[AM] Signing of Documents by Administrators**

**205 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RESOLVED** that the information be received and noted.

***FOR VOTE - Unanimous***

**ORDINARY ITEMS FOR CONSIDERATION**

## REPORTS FROM THE GENERAL MANAGER

- 1            **[GM-CM] Tweed Community-Kenya Mentoring Program (Stage 3) - Program Status and First Year Review**

### 206    COUNCIL DECISION:

**Administrator Boyd  
Administrator Willan**

**RESOLVED** that:-

1.            This report be received and noted.
2.            The General Manager gives consideration to granting Mr Hancock special leave for some of the time he is in Kenya as Council's contribution to the Safe Water Project.
3.            If the International River Foundation cannot provide interim financial support to the Safe Water Project then this support be provided by Council.
4.            Council recognises the contribution of the General Manager in introducing this mentoring program and its successful operation.

***FOR VOTE - Unanimous***

## REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

## REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

## REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

Nil.

## REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

## ORDERS OF THE DAY

1 [NOM] Staff Matters

### 207 COUNCIL DECISION:

Administrator Turnbull  
Administrator Boyd

**RESOLVED** that the General Manager reviews and prepares a report to Council on the following:-

1. Opportunities for the appropriate provision of day and/or out of hours school care for children of Council staff.
2. Training programs to assist in retaining employees following periods of maternity or paternity leave.
3. Identifying measures to encourage and support staff to undertake training appropriate for more senior roles in the council organisation, for example, in the field of statutory planning and assessment.

**FOR VOTE - Unanimous**

## QUESTION TIME

**[QT] One Hour Parking - Main Street, Murwillumbah**

Administrator Boyd

Asked the General Manager if Council has conducted any review of the one hour parking in Main Street, Murwillumbah.

The General Manager advised that there has been no formal review. A discussion would be required with the Murwillumbah Business Chamber.

**[QT] State Significant Development**

**Administrator Turnbull**

What impact on revenue from Development Application fees will the State Government's stance on calling in development applications, which are deemed to be State significant developments, have on Council?

The Director Planning & Development advised that the impact on Council could be in the order of \$200,000 income in reduced development fees.

**[QT] Design Review Committee**

**Administrator Turnbull**

What is the current status of the Design Review Committee?

The Director Planning & Development advised that the Centre for Sub-tropical Design at QUT has provided two (2) nominees for the Panel and the University of Queensland has also provided two (2) nominees. Caroline Stalker who is already on an Urban Design Review Panel for Brisbane, has also accepted a position on the Tweed Design Review Panel.

**208 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole.

***FOR VOTE - Unanimous***

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

## REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT IN COMMITTEE

### 1 [PD-CM] Development Application DA06/0417 for a Two Lot Subdivision at Lot 11 DP 805087, No. 507 Eviron Road, Eviron

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

#### C 81 COMMITTEE DECISION:

That: -

1. Council advises the applicant that subject to them withdrawing the Class 1 Appeal and the lodgement of a new Development Application that includes an amended Site Plan and supporting details depicting the proposed building envelope on proposed Lot 22 and includes a distance setback/buffer of 300 metres from any boundary of the adjoining 5(a) Special Use zoned land, the subdivision will be supported.
2. Approval of the application referred to in (1) be delegated to the Director of Planning and Development.
3. The Director Planning & Development report to Council on the implications of the legal advice.

***FOR VOTE - Unanimous***

## REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

### 2 [EO-CM] Boyd Street Overpass

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) and (g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

**C 82 COMMITTEE DECISION:**

That:-

1. Council approves Option A as detailed in the report; and
2. Authorises the General Manager to pursue Options (B) to (F) as an alternative to Option (A), in order to secure Council's interests if circumstances change.

***FOR VOTE - Unanimous***

**3 [EO-CM] Lease to Murwillumbah Pistol Club - Wardrop Valley**

This item was dealt with at Minute No. 0291 in the Operations Committee.

**4 [EO-CM] Acquisition of Land Pursuant to Section 27 of the EPA Act 1979 and Clause 49 (3) of the Tweed LEP Plan 2000**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**C 83 COMMITTEE DECISION:**

That:-

1. Council approves the acquisition of Lot 101 in DP 261914 pursuant to section 27 of the Environmental Planning and Assessment Act, 1979 and Clause 49 (3) of the Tweed Local Environmental Plan 2000 under the provisions of the

- Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and makes the necessary application to the Minister and/or Governor;
2. Lot 101 in DP 261914 be classified as Community Land following gazettal of the acquisition; and
  3. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**a4 [EO-CM] Compulsory Acquisition of Easement at Chinderah - within Lot 10 DP 857710, Tweed Coast Road**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**C 85 COMMITTEE DECISION:**

That:-

1. Council approves the acquisition of Easement for Services within Lot 10 in DP 857710 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; and
2. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE**

**5 [EC-CM] Building Without the Prior Approval of Council - Lot 1104 DP 31968 No. 61 McAllisters Road Bilambil Heights**

This item was dealt with at Minutes No. P149 of the Planning Committee.

**C 86 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that the Committee resumes in Open Council.

***FOR VOTE - Unanimous***

**209 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that the recommendations of the Confidential Committee of the Whole be adopted.

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 6.44pm.



**Minutes of Meeting Confirmed by Council  
at Meeting held .....**

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**Chairman**