

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 Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

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 Andrew Unwin:

"Eternal God, who by the grace of our Lord Jesus Christ has made us citizens of Your eternal Kingdom; grant unto us the wisdom to see clearly our responsibilities as citizens of this place. Be gracious unto us so that we may become those through whom You bless the peoples of this shire. Help us to see every person in the light of Your love and accept them in the passion of the Cross. Encourage us to see and understand Your saving mercy and justice and use them as the standards whereby we relate to each other.

Humbly we ask in the wonderful Name of Jesus Christ our Lord."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 25 July 2006

154 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held 25 July 2006 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Administrator Boyd declared an Interest Item 2 of the Confidential Agenda. The nature of the interest is that Administrator Boyd is a client of one of the tenderers.

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

Nil.

PLANNING COMMITTEE

155 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

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

FOR VOTE - Unanimous

P1 [PD-PC] Development Application DA06/0584 for a Three Storey Dwelling & Shed at Lot 8 DP 1047760, No. 373 Terranora Road Terranora

P 115 COMMITTEE DECISION:

Administrator Turnbull

Administrator Boyd

RECOMMENDED that

- A. State Environmental Policy No 1 objection to the 30 metre setback to Terranora Road be supported and the concurrence of the Director-General of Planning NSW be assumed.
- B. Development Application DA06/0584 for a three storey dwelling & shed at Lot 8 DP 1047760, No. 373 Terranora Road Terranora be approved subject to the following conditions: -

GENERAL

- 1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
- 3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 4. 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]
- 5. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

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

[PCW0215]

- 6. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

- 7. 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]

8. 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]

9. 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]

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

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]

11. 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]

PRIOR TO COMMENCEMENT OF WORK

12. 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.

[PCW0005]

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

[DUR0245]

15. 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]

16. Building materials used in the construction of the dwelling and shed are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

17. 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]

18. 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]

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

[DUR0445]

20. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

21. 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]
22. 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
 - Dust during earthworks operations and from construction vehicles
 - Removal of materials from the site by wind
- [DUR1005]
23. 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]
24. 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]
25. All roofwaters are to be disposed of through properly jointed pipes to the street gutter, inter allotment 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 roofwater must be connected to an inter allotment drainage system where applicable. [DUR2335]
26. 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]
27. 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]
28. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
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29. An 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]

30. 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 50°C.

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

[DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. 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]

32. 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]

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

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

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]

34. 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]

35. 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]

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

[POC1055]

USE

37. All externally mounted water tank pumps, and any other mechanical plant and 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]

38. The shed must not be used for human habitation or occupation.

[USE0475]

39. The dwelling is to be used for single dwelling purposes only.

[USE0505]

40. The shed is not to be used for any commercial or industrial purpose.

[USE0455]

FOR VOTE - Unanimous

P2 [PD-PC] Development Application DA06/0473 for a Restaurant Interior Fit Out (Shop 4) at Lot 370 DP 755701, No. 16 Elizabeth Street Pottsville

The following persons addressed the meeting of the Planning Committee on this matter.

Mrs F Rollings
Mr G Jones

P 116 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/0473 for a restaurant interior fit out (shop 4) at Lot 370 DP 755701, No. 16 Elizabeth Street Pottsville 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 Plan Nos 1, 2, 3, 4 and 6 dated 3 March 2006 and Plan No.9 dated 1 June 2006 prepared by Markos Christofis Shopfitting, Drawing Nos M01, M02 and M03 prepared by EMF Griffiths and dated June 2006, the submission from Darryl Anderson Consulting Pty Ltd dated 7 July 2006, and the signage plan dated August 2006 (as amended in RED), except where varied by the conditions of this consent.

[GEN0005]

3. 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. Flashing or animated signage is not permitted.
[GEN0075]
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 use of the premise as a restaurant, the subject of this consent, is valid for a period of two (2) years from the date of determination.
[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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]
7. 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]

PRIOR TO COMMENCEMENT OF WORK

8. 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]

9. 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]

10. 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]

11. 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]

12. Detailed drawings showing equipment, shop fittings, the mechanical exhaust ventilation system and internal shop finishes are to be submitted to Council for further analysis, comment and approval prior to the commencement of any internal fitout.

[PCW0585]

DURING CONSTRUCTION

13. 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]

14. 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]

15. 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]

16. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and installed. Mounting heights shall be in accordance with AS2293.1.

[DUR1295]

17. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 of the Building Code of Australia.

[DUR1315]

18. 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]

19. 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) completion of work and prior to occupation of the building.

[DUR2485]

20. 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]

21. 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]

22. 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:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C 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]

23. 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]

24. 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]

25. 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]

26. 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]

27. 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]
- 28. 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]
- 29. 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]
- 30. 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]
- 31. 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]
- 32. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
[DUR1525]
- 33. 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]
- 34. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.
[DUR1605]
- 35. The walls and floors of the premises must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned.
[DUR1615]
- 36. 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]
- 37. 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]

38. The premise shall be constructed and operated in accordance with the Food Act, 1989 and AS 4674-2004, Design, construction and fit out of food premises.
39. All waste storage shall be within the approved garbage storage area. Wastes shall be stored so as to not create unreasonable offensive odours.
40. All cooking gases shall be collected and discharged above the roofline to the satisfaction of the Director of Environment and Community Services. An exhaust canopy fitted with UV light odour treatment-extraction, in accordance with the details and specifications submitted to Council, shall be fitted to the premise prior to commencement of trade. A certificate confirming installation of this system shall be provided to Council.
41. Internal walls shall be of solid construction to the satisfaction of the Director of Environment and Community Services.
[DURNS01]
42. 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]
43. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

44. 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]
45. 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]
46. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.
[POC0625]
47. 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]
48. 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]

49. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.

[POC0515]

50. 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

51. 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]

52. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0135]

53. 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]

54. 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. Illuminated lighting shall only be operated during approved trading hours.

[USE0205]

55. Delivery of goods to the premises shall be restricted to between the hours of 7am to 5pm Monday to Saturday and no deliveries on Sundays and Public Holidays.

[USE0275]

56. The shop must not be used for human habitation or occupation.

[USE0475]

57. All loading/unloading to take place within the boundary of the subject property and only from the designated loading bay.

[USE0525]

58. 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]

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

[USE0845]

60. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. This is to include the collection of waste from the Elizabeth Street frontage. [USE0875]
61. The premises shall be maintained in a clean and tidy manner. [USE0965]
62. All waste storage shall be within the approved garbage storage area. Wastes shall be stored so as to not create unreasonable offensive odours.
63. Servicing or pump out of the grease arrestor shall be restricted to the hours 7am to 5pm Monday to Saturday and no servicing on Sundays.
64. The LA10 noise level emitted from the premise shall not exceed the background noise level (LA90) by more than 5dB(A) between 7am and 10pm at the boundary of any affected residence. Further, noise from the premises shall not be audible within any habitable room in any residential premises between 10pm and 7am.
65. Live or excessively loud music shall not be played at the premise.
66. Hours of operation of the business are restricted to the following hours:
10am to 8pm - Tuesday to Thursday
10am to 9pm - Friday to Sunday and public holidays
67. Activities shall not be permitted to unreasonably impact the amenity of any premises.
68. Readily accessible access for patrons is to be provided to the existing toilets at the rear of the shops while ever the restaurant is trading. [USENS01]
69. A maximum of three tables and 12 chairs are permitted to be placed under the front shop awning. These chairs and tables shall not extend beyond the awning onto the road reserve without a footpath dining agreement having been approved by Council. Placement of chairs and tables shall be so as to not impede pedestrians or impact amenity. [USENS02]

FOR VOTE - Unanimous

- P3 [PD-PC] Section 96 Application DA05/1099.03 for Amendment to Development Consent DA05/1099 for Tourist Accommodation Consisting of 37 units at Lot 57 DP 1083567, Casuarina Way, Casuarina**

P 117 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Section 96 Application DA05/1099.03 for amendment to Development Consent DA05/1099 for tourist accommodation consisting of 37 units at Lot 57 DP 1083567, Casuarina Way Casuarina be refused for the following reasons: -

1. The proposed amendments to the consent are not considered to be consistent with the definition of tourist accommodation in accordance with the Tweed Local Environmental Plan 2000, the conditions of development consent with particular reference to Development Control Plan No. 2 and the Section 94 and Section 64 contributions.
2. The proposed amendments are not considered to be in the public's interest

FOR VOTE - Unanimous

- P4 [PD-PC] Development Application DA04/1547 for Alterations and Additions to Surf Club at Lots 459 & 471 DP 755701, Marine Parade Kingscliff**

P 118 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA04/1547 for alterations and additions to Cudgen Surf Club at Lot 459, 471 DP 755701, Marine Parade Kingscliff 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.
[GEN0120]
2. 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
 - (b1) 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
 - (b2) 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.
- [GEN0150]
3. A separate hand washbasin shall be provided in the kitchen, with warm water, hand cleaning agent and clean hand drying equipment. Separate washtubs shall be provided for cleaning and rinsing equipment.
4. The development shall be completed in accordance with the Statement of Environmental Effects and Plans CUDGEN SLSC 1 and CUDGEN SLSC 2 (as amended in RED), except where varied by the conditions of this consent.
- [GEN0005]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. 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 Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
- [PCC0280]
6. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.
- [PCC0290]

PRIOR TO COMMENCEMENT OF WORK

7. 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.

[PCW0010]

8. 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.

[PCW0070]

9. 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.

[PCW0090]

10. 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.

[PCW0120]

11. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

12. 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.

[PCW0210]

13. 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.

[PCW0220]

14. Trade Waste application fee will be applicable as per Councils Fees and Charges.

[PCW0240]

DURING CONSTRUCTION

15. 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 or complying development certificate was made).

[DUR0010]

16. 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.

[DUR0040]

17. 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.

[DUR0080]

18. 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.

[DUR0130]

19. 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.

[DUR0160]

20. 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.

[DUR0170]

21. 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.

[DUR0200]

22. 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.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

23. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.

[DUR0310]

24. 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.

[DUR0320]

25. 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. [DUR0330]
26. 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. [DUR0350]
27. The applicant or operator of the proposed business is to enter into a maintenance contract which will ensure that the diversion valve is serviced by a licensed contractor at least every six months. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation. [DUR0660]
28. 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. [DUR0850]
29. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
30. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
31. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
32. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
- 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.

[DUR0910]

33. The burning of builders waste on site by open fire is prohibited. [DUR0940]
34. 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. [DUR0960]
35. 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. [DUR0980]
36. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - b. external drainage prior to backfilling.
 - c. completion of work and prior to occupation of the building. [DUR1020]
37. 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. [DUR1030]
38. 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. [DUR1110]
39. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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. [DUR1160]

40. 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.

[DUR1170]

41. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR1180]

42. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

43. 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.

[DUR1380]

44. Conspicuous edges are to be provided to the treads of all existing exit stairs in accordance with D2.13 of the Building Code of Australia.

45. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided throughout the whole of the building. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to the PCA prior to installation.
[DUR1305]
46. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:
(a) an exit; or
(b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres.
[DUR1285]
47. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and installed. Mounting heights shall be in accordance with AS2293.1.
[DUR1295]
48. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 of the Building Code of Australia.
[DUR1315]
49. The floor separating the storeys throughout the whole of the building is to have a '*fire protective covering*' on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal.
50. The existing AS 3786 smoke alarm system is to be extended to cover the whole of the building or be replaced by a AS1670 automatic smoke detection and alarm system complying with Specification E2.2a of the Building Code of Australia.
[DURNS02]

USE

51. 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.
[USE0160]
52. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USE0170]
53. 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.
[USE0220]
54. The premise shall be maintained in a clean and healthy state to the satisfaction of the Director of Environment & Community Services.

55. All storage, preparation or sale of food shall comply with the Food Act, 2003 and AS4674-2004.
56. Lighting shall not be permitted to impact the amenity of any premise.
57. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment and Community Services.
58. Subject to the approval of the Liquor Administration Board trading hours at the premise are restricted as follows:
 1. General trading hours:

Monday to Thursday	12 noon to 12 midnight
Friday and Saturday	7.30am to 1am
Sunday and public Holidays	7.30am - 12 midnight
 2. Sale of Alcohol

Monday to Thursday	12 noon to 12 midnight
Friday and Saturday	12 noon to 1am
Sunday and public Holidays	10am - 12 midnight
 3. Sale of food

Monday to Thursday	12 noon to 10pm
Friday and Saturday	7.30am to 11pm
Sunday and public Holidays	7.30am - 9pm

FOR VOTE - Unanimous

P5 [PD-PC] Development Application DA06/0399 for 14 Factory Units in 2 Stages at Lot 1 DP 608374, No. 28 Machinery Drive Tweed Heads South

P 119 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RECOMMENDED that Development Application DA06/0399 for 14 factory units in 2 stages at Lot 1 DP 608374, No. 28 Machinery Drive Tweed Heads South be approved subject to the following conditions: -

GENERAL

1. No signage, business identification, advertising, building identification or the like, is approved by this consent.
2. All signage shall be subject to separate development approval where statutorily required.
3. The occupation of each and every unit is subject to separate development approval.

4. The provision and maintenance thereafter of 47 car parking and 1 designated loading bay space in Stage 1 and a combined total of 64 car parking and 2 designated loading bays at completion of Stage 2.
[GENNS02]
5. Stage 2 construction of the factory units shall commence within 5 years of the issue of Occupation Certificate(s) of the Stage 1 buildings.
[GENNS03]
6. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
7. The site shall be remediated in accordance with all of the provisions of the Remedial Action Plan prepared by Precise Environmental dated May 2006 Ref. PE06.06 and the provisions of the Site Audit Statement Ref. 0103-0603 by Marc Salmon dated 15 May 2006 or any revised or amended Remedial Action Plan that is submitted with an accompanying Site Audit Statement from a NSW Site Auditor Scheme accredited Site Auditor under the Contaminated Land management Act 1997.
8. A Validation Report complying with the relevant provisions of the Remedial Action Plan prepared by Precise Environmental dated May 2006 Ref. PE06.06 or the relevant provisions of any revised or amended Remedial Action Plan that is submitted with an accompanying Site Audit Statement from a NSW Site Auditor Scheme accredited Site Auditor under the Contaminated Land Management Act 1997 shall be submitted to Council within 45 days following the completion of the remedial works.
9. The option to dispose of soil material to landfill is subject to the results of the soil analysis being made available to Council's Waste Management Coordinator. The results are to be expressed in total concentrations, or leachable concentrations (TCLP) if required. The results of the soil analysis must meet the *Environmental Guidelines: Assessment, classification & Management of Non-Liquid Wastes* as published by the NSW EPA. Meeting the guideline levels does not represent approval to dispose of the material to landfill. Disposal of the material to landfill is subject to approval from Council's Waste Management Coordinator.
[GENNS01]
10. 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]
11. 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]

12. The development shall be completed in accordance with the documents listed in the table below, except where varied by the conditions of this consent.

1.	Development Application DA06/0399 lodged on 24 April 2006.		
2.	Statement of Environmental Effects, to the extent of inconsistency with the nominated approved plans, prepared by Darryl Anderson Consulting Pty Ltd dated March 2006.		
3.	Stormwater Management Plan prepared by Cozens, Regan, Williams, Prove Pty Ltd dated December 2005.		
4.	Erosion and Sediment Control Plan prepared by Cozens, Regan, Williams, Prove Pty Ltd dated December 2005.		
5.	Acid Sulfate Soils Assessment prepared by Border-Tech (geotechnical engineering services) Pty Ltd dated November 2005.		
6.	Site Overview and Soil Testing Report prepared by Border-Tech (geotechnical engineering services) Pty Ltd dated 31 October 2005.		
7.	Remedial Action Plan prepared by Precise Environmental (consulting environmental scientists) Pty Ltd dated May 2006.		
8.	Detailed (Stage 2) Site Contamination Investigation prepared by Precise Environmental (consulting environmental scientists) Pty Ltd dated 16 March 2006.		
9.	Preliminary (Stage 1) Site Contamination Investigation prepared by Oxbow Environmental Pty Ltd dated December 2005.		
10.	Site Audit Statement prepared by RES (Mr Marc C Salmon) submitted to Council on 19 May 2006.		
11.	Architectural drawings prepared by Frankland & Associates Pty Ltd: -		
	Drawing No.	Revision	Date
	TP 00 - 05171	D	12/04/06
	TP 01 - 05171	I	12/04/06
	TP 02 - 05171	F	12/04/06
	TP 03 - 05171	E	12/04/06

[GEN0005]

13. No vehicle hoists, car workshops, mechanical bays or the like are approved by this consent.
14. The building alterations depicted on the development plans is approved to the extent of it being a roofed and enclosed car storage area to one storey in height.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. 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.

Stage 1

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector2_4	\$16,120
(b) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,023.99

Stage 2

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector2_4	\$7,376
(b) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1,517.99

[PCC0215/PSC0175]

16. 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:

Stage 1

Water DSP4:	2.074 ET @ \$4598	\$9,536
Sewer Banora:	2.074 ET @ \$2863	\$5,938

Stage 2

Water DSP4:	0.949 ET @ \$4598	\$4,364
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Sewer Banora: 0.949 ET @ \$2863 \$2,717

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]

17. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCC1115]

18. 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]

19. 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]

20. 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]

21. 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]

22. 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]

23. Prior to the issue of any Construction Certificate a letter is to be provided to the satisfaction of Council's Manager Development Assessment Unit from the Waste Contractor that will service the site to the effect that the site can be suitably accessed for the removal of waste.

[PCCNS01]

24. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) The habitable area of the building is to be at a level no less than 300mm above the design flood level of RL 2.6m AHD.
 - (b) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
 - (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

25. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works within the road reserve. The driveway shall be in accordance with Council's 'Driveway Access to Property' specifications, having a 13m driveway width at the kerb and a 7m width at the boundary with a thickness of 200mm reinforced with F82 steel.

[PCC0885]

26. 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]

27. 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]

28. 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".
29. All structures must be located clear of the drainage easement at the rear of the site.
30. As the connection of hardstand/carpark stormwater to the existing piped drain located within the drainage easement burdening adjoining Lot 52 DP 618988 to the east (as per Cozens Regan Williams Prove Drawing No. F.12.5 - Sk.2A) requires drainage works on private land, the written consent of the affected landowner is required prior to the issue of a Construction Certificate.

[PCC1155]

As an alternative to the above, the hardstand/carpark drainage may be connected directly to the gully pit located in the Machinery Drive kerb and gutter to the immediate north east of the site. Engineering details of these connection works shall be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate.

31. All overland surcharge flows from the hardstand/carpark area shall be directed to the Machinery Drive kerb and gutter. Any changes in driveway levels during the staging of the development must adequately provide for surcharge flows from the hardstand/carpark drainage system, so that excessive ponding and stormwater flooding of the factory units will not occur.
32. The developer shall arrange with Council's Manager Works for the realignment of the portion of the public stormwater pipe that encroaches within the development site. Council shall undertake the realignment works, at no cost to the developer, provided the developer undertakes all preparatory works required by the Manager Works, including removal of all fencing, car bodies and material stockpiles along the eastern boundary of the site, and location of any Country Energy Services within the drainage easement. The scheduling of the pipe realignment works shall be at the discretion of the Manager Works, and until these realignment works are completed to the satisfaction of the Manager Works, no building works shall commence in the vicinity of this pipe.

33. Any stormwater drainage pipe relocation works undertaken in pursuance of this consent, within the easement created under D P 563193, shall comply with the Acid Sulfate Soils Management Plan submitted by Border Tech and the Erosion and Sediment Control Plan by Cozens, Regan, Williams & Prove Pty Ltd, submitted with the application.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

34. 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]

35. 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]

- 36. 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]

- 37. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.

[PCW0755]

- 38. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
 - (a) The person must, at the person's own expense:
 - (i) preserve and protect the building from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
 - (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

- 39. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

- 40. 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]

- 41. 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]

42. 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]
43. 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]
44. 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]
45. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.
[PCW1095]
46. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.
[PCW1105]
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. 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]
49. 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]
50. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.
[PCW1165]

DURING CONSTRUCTION

51. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
[DUR0785]
52. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0815]
53. 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]
54. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (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]
55. 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]
56. 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]
57. 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]
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. 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]

60. (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]

61. 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]

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

[DUR0445]

63. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

64. 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 or his delegate.

Once the approved haul route has been identified and approved by Council's Traffic and Transport Engineer, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[DUR0725]

65. 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]

66. 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]
67. 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]
68. 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]
69. 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. [DUR1715]
70. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
71. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR2245]
72. 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 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]
73. 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]

74. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
75. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
76. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR2525]
77. 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]
78. 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]
79. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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]
80. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention. [DUR2675]
81. 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]
82. The proponent shall notify Councils Engineering and Operations Division upon excavation of any disused sewer junction awaiting capping by Council. [DUR2715]
83. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]

84. All waters that are to be discharged from the site shall have 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]
85. 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]
86. 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]
87. 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]
88. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate. [DUR0225]
89. Practical measures to the satisfaction of the General Manager or his delegate are to be taken to acoustically shield all pumps used for dewatering operations to minimise any noise disturbance to neighbouring or adjacent premises. [DUR0265]
90. 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]

91. 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]
92. 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]
93. 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]
94. 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]
95. 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]
96. All excavation works are to be carried out in accordance with the submitted Acid Sulfate Soils Assessment prepared by Border-Tech, Job No. BT 15196, dated November 2006. [DUR1065]
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.
-

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]

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. All surface waters other than stormwater shall be directed to Council approved pre-treatment facilities before discharge to sewer. Details are to be submitted to and approved by Tweed Shire Council prior to installation.

[DUR2725]

103. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by Tweed Shire Council prior to installation

[DUR2735]

104. The applicant or operator of the proposed business is to enter into a maintenance contract which will ensure that the diversion valve is serviced by a licensed contractor at least every six months. Details are to be submitted to and approved by Tweed Shire Council prior to installation.

[DUR2745]

105. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

106. 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]

107. 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]

108. 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]

109. 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]

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

[POC1055]

111. Any vehicles loading / unloading outside of the designated loading bay, but within the property boundary, must do so between the hours of 6.30am - 9.30am.

[USENS01]

USE

112. 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]

113. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0135]

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

[USE0145]

115. 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]

116. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0445]

117. All trade materials, product and plant to be kept within confines of the building at all times.

[USE0515]

118. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

119. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate.

[USE1055]

120. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

[USE1455]

FOR VOTE - Unanimous

- P6 [PD-PC] Development Application DA06/0351 for Alterations, Additions and Part Demolition of Tweed City shopping centre at Lot 1 DP 872305, No. 38 Minjungbal Drive & Lots 14,15,16 & 17 DP23659, Nos. 34, 36, 38 and 40 Kirkwood Road, Tweed Heads South**

P 120 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/0351 for alterations and additions to Tweed City shopping centre at Lot 1 DP 872305, No. 38 Minjungbal Drive & Lots 14,15,16 & 17 DP23659, Nos. 34, 36, 38 and 40 Kirkwood 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 plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]

3. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos: -
DA-0.001B prepared by The Buchan Group and dated 23/6/2006
DA-0.110A prepared by The Buchan Group and dated 3/4/2006
DA-1.000A prepared by The Buchan Group and dated 3/4/2006
DA-1.002A prepared by The Buchan Group and dated 3/4/2006
DA-1.004A prepared by The Buchan Group and dated 3/4/2006
DA-2.000A prepared by The Buchan Group and dated 3/4/2006
DA-2.001A prepared by The Buchan Group and dated 3/4/2006
DA-2.002A prepared by The Buchan Group and dated 3/4/2006
DA-2.004A prepared by The Buchan Group and dated 3/4/2006
DA-2.005A prepared by The Buchan Group and dated 3/4/2006
DA-2.006A prepared by The Buchan Group and dated 3/4/2006
DA-2.007A prepared by The Buchan Group and dated 3/4/2006
DA-2.008A prepared by The Buchan Group and dated 3/4/2006
DA-2.009A prepared by The Buchan Group and dated 3/4/2006
DA-2.0010A prepared by The Buchan Group and dated 3/4/2006
DA-3.000A prepared by The Buchan Group and dated 3/4/2006
DA-3.001A prepared by The Buchan Group and dated 3/4/2006
DA-3.002A prepared by The Buchan Group and dated 3/4/2006
DA-8.000A prepared by The Buchan Group and dated 3/4/2006
DA-8.001A prepared by The Buchan Group and dated 3/4/2006
DA-8.002A prepared by The Buchan Group and dated 3/4/2006

DA-8.003A prepared by The Buchan Group and dated 3/4/2006
DA-8.004A prepared by The Buchan Group and dated 3/4/2006
DA-8.005A prepared by The Buchan Group and dated 3/4/2006
except where varied by the conditions of this consent.

[GEN0005]

4. 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]
5. 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]
6. Prior to the commencement of demolition works on the site, pre-demolition testing shall be undertaken in accordance with the Remediation Action Plan - Alterations to Tweed City Shopping Centre (Potential OC Pesticides beneath building slabs) prepared LeVert Environmental Pty Ltd dated 7 July 2006. Results of this testing shall be submitted to Council's Environment and Health Services Unit for review and approval prior to any slab being removed.
7. Prior to the reuse or disposal of any spoil material on or off the site as a result of OC Pesticide contamination found, Council shall be provided with a statement from a suitably qualified person that confirms that contamination levels of the spoil material do not exceed relevant NSW Health Action Levels for the intended use.
Written details of the disposal area shall also be provided to the satisfaction of Council's General Manager or his delegate prior to the material being removed.
8. Prior to any excavation pits resulting from the removal of contaminated soil identified during pre-demolition testing being backfilled, validation sampling as per NSW Environmental Protection Authority contaminated sites guidelines shall be carried out within all excavation pits, and a Validation Report prepared by a qualified consultant shall be submitted to and approved by Council's Director Environment and Community Services.
9. The applicants are to liaise with adjoining residents regarding arrangements for access to the centre during and after construction.
[GENNS01]
10. The proposed future use of the proposed food outlet tenancies must be the subject of a separate development consent.
[GEN0035]

11. 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. The building is to be upgraded to comply with the performance requirement EP2.2 of the *Building Code of Australia* in respect of smoke hazard management. If the upgrading works do not satisfy the deemed-to-satisfy provisions of Part E2 of the BCA it will be necessary to obtain an alternative solution addressing Performance Requirement EP2.2 as contained in Volume 1 of the *Building Code of Australia* for assessment and determination prior to issue of the Construction Certificate. Should the fire upgrading works propose a change to the external fabric of the building it will be necessary to obtain a variation to the Development Consent prior to commencement of works via a Section 96 application under the Environmental Planning & Assessment Act.
13. Prior to the issue of any Construction Certificate, the concurrence of Country Energy must be obtained regarding the proposal to erect a structure over an Easement for underground power reticulation. This concurrence is expected to require the extinguishment of an existing easement(s) and creation of a complementary easement(s).
14. The construction certificate application must incorporate: -
 - (i) A plan to clearly show all turning circle vehicle movements in the car park areas, and particularly at all loading dock areas.
 - (ii) The provision of give-way signage and linemarking to improve internal circulation and avoid conflicts, at the entry to the basement parking area from Kirkwood Road.
15. Plans for all proposed food outlet fitouts, including Coles and Action supermarkets, shall be provided to Council prior to the construction certificate being issued for the fitout of the uses or use of these outlets whichever occurs first, that include the following:
 - (a) Floor plan
 - (b) Layout of kitchen showing all equipment
 - (c) All internal finish details including floors, wall, ceiling and lighting
 - (d) Hydraulic design including the trade waste disposal method
 - (e) Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
 - (f) Served areas including counters etc
16. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

[PCCNS01]

[PCC0585]

17. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) All mechanical and electrical plant and equipment, including ventilation, pumps, electrical wiring, outlets and switches, located in the basement level carpark below the design flood level of RL 2.6m AHD, must not be susceptible to water damage and/or must be suitably treated to withstand continuous submergence in water (subject to the requirements of the local electrical authority).

[PCC0705]

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

- (a) Works in Minjungbal Drive:
 - (i) Conversion of Minjungbal Drive to a three lane carriageway in both directions, for the full frontage of the shopping centre. This will require minor modifications to traffic islands, as well as new linemarking.
 - (ii) Provision of signposting for the kerbside lanes from Item (i) to be "Clearways" during peak traffic periods.
 - (iii) Erection of signage to encourage the use of the Blundell Boulevard and Kirkwood Road entrances to the centre.
- (b) Works in Kirkwood Road:
 - (i) Provision of concrete path paving for the full frontage of original Lots 14,15,16 and 17 DP23659.
 - (ii) Removal of the existing (redundant) footpath crossing and layback fronting original Lot.

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

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

[PCC0895]

19. 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]

20. 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. [PCC1105]
21. 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]

22. 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]

23. 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]

24. 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 for Lot 1 DP 872305 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)
Sector2_4 | \$573,185.30 |
| (b) Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$4,502.07 |

[PCC0215]

25. 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 for Lot 1 DP 872305 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: 20.43 ET @ \$4598	\$93,937
Sewer: 31.46 ET @ \$2863	\$90,070

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]

26. 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]

27. 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]

28. That the applicant is to prepare detailed engineering plans for the conversion of the parking (kerb side) lanes on Minjungbal Drive from 200 metres south of Machinery Drive to 100 metres north of Kirkwood Road, including any changes to the existing signal infrastructure. On approval of these plans the works are to be constructed prior to occupation of the building extension at no cost to Tweed Shire Council.

29. Traffic signals are to be designed and installed at the intersection of the northbound lanes on Minjungbal Drive and the Tweed Heads South offramp from the Pacific Highway. Detailed design plans incorporating linemarking on the ramp to provide two left turn lanes are to be submitted and approved by the NSW RTA. Upon approval the signals are to be installed in accordance with RTA requirements prior to the occupation of the building extensions at no cost to the RTA or Tweed Shire Council.

30. Detailed plans including a photo-montage are to be provided in relation to the design of the shading structures required to cover the car parking area. All details are to be approved by Council's General Manager or his delegate prior to the release of a Construction Certificate.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

31. 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]
32. 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]
33. 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]
34. 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]
35. 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]
36. 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 Council's adopted Fees and Charges.
- [PCW1075]
37. 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]
38. 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]
39. 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]
40. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.
- [PCW0125]
41. Prior to any demolition and construction works being undertaken, a Demolition and Construction Management Plan shall be prepared and submitted to Council's Director of Environment & Community Services detailing how noise, dust, waste, odour, complaints and the like will be managed during the period of demolition and construction, so as to prevent the unnecessary disturbance of neighbouring and adjacent premises.
42. Prior to the removal of any soil from the site, details of the deposition site is required, with written documentation provided by the site owner that the acid sulfate soil material will be accepted for storage and neutralisation treatment.
- [PCWNS01]

DURING CONSTRUCTION

43. If the existing fence is to be demolished during the demolition and construction work for the shopping centre, the 3.0m acoustic fence constructed of either masonry, fibre cement, lapped gapless timber or similar shall be constructed in accordance with Appendix 2 Sketch 1 and 2 of the *Environmental Noise Impact Report for the Tweed City Shopping Centre*, 54 Minjungbal Dr, Tweed Heads South prepared by TTM Consulting (GC) Pty Ltd dated 23 June 2006 (ttmref: 31782 report revision B).

44. 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]
45. 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]
46. 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]
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. 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]
51. 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 and demolition. [DUR2185]

52. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2255]

53. 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]

54. 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]

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

[DUR2515]

56. 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]

57. 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]

58. 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:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C 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]

59. 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]
60. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.
- [DUR0675]
61. All fill and cut batters shall be contained wholly within the subject land.
- [DUR0825]
62. 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]
63. 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]
64. 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]
65. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
66. 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]

67. 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]
68. Prior to any works commencing, appropriate measures are to be put in place 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]
69. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
[DUR2415]
70. 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]
71. Clarification of plant and equipment proposed for use by each major tenancy and the general centre redevelopment, together with a detailed assessment of noise emissions from such equipment shall be submitted to Council for review prior to installation. Prior to tenancy occupancy and on completion of installation, a further assessment of noise generated by any plant and equipment is to be undertaken by an independent source and provided to Council for further assessment.
72. All works shall be carried out in accordance with the *Acid Sulfate Investigation and Management Plan for the Tweed City Shopping Centre Redevelopment* prepared by Soil Surveys Engineering Pty Ltd dated 22 March 2006 (Ref. No: 2-4988AS).
73. All works shall be carried out in accordance with the *Dewatering Plan for Tweed City Shopping Centre Redevelopment* prepared by Soil Surveys Engineering Pty Ltd dated 22 March 2006 (Ref. No: 2-4988dewater).
74. All works shall be carried out in accordance with the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 23 June 2006 (ttmref: 31782 report revision B) and Environmental Noise Impact Assessment Addendum 1 dated 21 April 2006 (ttmref: Letter 31782) except where varied by these conditions.

75. All spaces between the timber palings of the existing timber fence along the southern boundary of the site shall be sealed with no gaps in accordance with the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 23 June 2006 (ttmref: 31782 report revision B).
76. A 2.0m fence constructed of masonry, fibre cement, lapped gapless timber or similar shall be constructed in the northern carpark areas as indicated in Appendix A sketch 1 and 2 of the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 23 June 2006 (ttmref: 31782 report revision B).
77. The 3.0m acoustic fence constructed of either masonry, fibre cement, lapped gapless timber or similar shall be constructed in accordance with Appendix 2 Sketch 1 and 2 of the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 23 June 2006 (ttmref: 31782 report revision B).
78. All works shall comply with the *Landscape Intent Statement - Tweed City Landscape* prepared by S.P.L.A.T. dated March 2006.
79. The burning off of trees, associated vegetation felled by clearing operations, and building waste is prohibited.
[DURNS01]
80. All pumps used for onsite dewatering operations shall be installed on the site in a location that will minimise any noise disturbance to neighbouring premises and be acoustically shielded where directed or required so as to prevent the emission of offensive noise as a result of their operation.
[DUR0235]
81. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by Tweed Shire Council.
[DUR0255]
82. 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]
83. 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]
84. 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]

85. 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]

86. 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]

87. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises.

[DUR1535]

88. 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]

89. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

90. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

91. 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]

92. 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]

93. 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]

94. 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]

95. 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]

96. Creation of an appropriate easement over all existing sewer mains within the site, in accordance with Council's standards. It is recommended that easement creation be carried out in conjunction with consolidation of the site.
97. The existing disused vehicular footpath crossing and layback fronting Lot 14 Kirkwood Road, is to be removed and replaced with kerb and gutter to match existing, and the remaining footpath area turfed, to the satisfaction of Council. [POCNS01]
98. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1055]
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 commencement of operations and on completion of fit out of food premises an inspection is to be arranged with Council's Environmental Health Officer for final approval of each premises. [POC0615]
101. 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]
102. 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]
103. All loading/unloading to take place within the boundary of the subject property. [USE0525]
104. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code. [USE0835]
105. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. [USE0875]
106. The delivery of goods, servicing of waste, and use of the loading docks, forklifts, and the like shall be restricted to between the hours of 7am to 6pm Monday to Friday and 8am to 6pm Saturday, Sunday and public holidays.
107. The use of any compactor(s) located with the Coles, Action or other proposed eastern loading bays area(s) shall be restricted to between 8.30am to 6pm Monday to Friday and 10am to 4pm Saturday, Sunday and public holidays. A sign outlining these hours shall be attached to the wall near each compactor to advise all staff of the restricted hours of operation.

108. The Coles, Action and other proposed eastern loading bay doors shall be kept closed except for when allowing entry of a delivery truck or removal of waste.
109. The disposal of trade waste shall be to the satisfaction of Council's Trade Waste Connections Officer - Water Unit.
110. All proposed loading bay doors shall be of a low noise electric (not chain-operated) type that is acceptable to Council's Director of Environment & Community Services.

[USENS01]

FOR VOTE - Unanimous

P7 [PD-PC] Section 96 Applications DA02/1422.42 & DA02/1423.13 for Amendment to Development Consents DA02/1422 & DA02/1423 for a 473 Lot Subdivision & Tourist Resort (Outrigger) at Lot 194, 301, 312 DP755701; Lot 490 DP47021; Lot 500 DP727420, Tweed Coast R

P 121 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that : -

A. Section 96 Application DA02/1422.42 for amendment to Development Consent DA02/1422 for a 473 lot subdivision at Lot 194, 301, 312 DP 755701; Lot 490 DP 47021 & Lot 500 DP 727420, Tweed Coast Road, Kingscliff be approved subject to the following amendments: -

1. Insert the following wording in Condition No. 95(b) after Stage 8: -

"A written request for a refund of the contribution for street trees may be made to Council. The refund will be made available on the basis that the street trees are in an acceptable condition to Council following an inspection by the relevant Council Officer less an administration and inspection fee. Inspections will be carried out for each stage of the subdivision following completion of dwelling construction or in accordance with other suitable arrangements made with Council."

2. Delete Condition 95(d) (bus shelters)

3. Delete Stage 1A(1), 1(A)(2), 1A(3) and amend 1A(4) to \$150 in Condition 95(g).

4. Delete Condition 95 (i) (cycleways)

5. Condition 96 be amended to read: -

96. A contribution of \$830,351 (as agreed by letter dated 15th April 2003) shall be paid as a contribution towards the provision of active open space on the basis of \$1531.80 per residential lot and \$1001.55 per medium density unit. The contribution may be paid on a pro rata basis based on the number of lots released in each stage. Any variation to the number of residential lots or medium density units from the original approval number 02/1422 will result in a pro rata variation to the contribution.

B. Section 96 Application DA02/1423.13 for amendment to Development Consent DA02/1423 for a tourist resort (Outrigger) at Lot 194, 301, 312 DP 755701 Tweed Coast Road, Kingscliff be approved subject to the following amendments: -

1. Amend Condition 21(d) to read \$2828.

C. The following refunds be made to South Kingscliff Development Pty Ltd for contributions: -

S94 Plan No. 12 Bus Shelters	\$9,916
S94 Plan No.16 Emergency Facilities (Surf Lifesaving)	\$44,400
S94 Plan No.22 Cycleways	\$85,400
Structured Open Space	\$99,782.70

FOR VOTE - Unanimous

P8 [PD-PC] Development Application DA05/1126 for a Mixed Use Commercial and Residential Development Comprising 3 Commercial Tenancies and 11 x 2 bedroom units at Lot 8 Section 2 DP 2379; Lot 2 DP 205411, No. 151 Wharf Street Tweed Heads

The following person addressed the meeting of the Planning Committee on this matter.

Mr R Papajcsik

P 122 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA05/1126 for a mixed use commercial and residential development comprising 3 commercial tenancies and 11 x 2 bedroom units at Lot 8 Section 2 DP 2379; Lot 2 DP 205411, No. 151 Wharf Street Tweed Heads 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 TP02(C), TP03(C), TP04(C), TP05(C) and TP06(B) prepared by R.H Frankland & Associates and dated 26/05/06, except where varied by the conditions of this consent.
[GEN0005]
2. The proposed future commercial use must be the subject of a separate development consent.
[GEN0035]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. The visitor/customer car parks must be accessible to the public at all times.
[GENNS01]
5. The access driveway is to exhibit parking signs as per Australian Standard AS2890 to indicate customer parking is available in the basement.
[GENNS02]
6. All works shall be undertaken in accordance with the Detailed Site Contamination Investigation for 151 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated 12 May 2006 (Job No. PE37.06) and Supplementary Soil Investigation Report for 151 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated 28 July 2006 (Ref: PE3706.SSR).

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The developer shall provide twenty (20) parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11 and a dedicated loading bay.
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.
[PCC0065]
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. 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 1_4	\$13,899
(b) Open Space (Structured): S94 Plan No. 5	\$4,050
(c) Open Space (Casual): S94 Plan No. 5	\$865
(d) Shirewide Library Facilities: S94 Plan No. 11	\$3,574
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$728
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,041
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$7,346.35
(h) Cycleways S94 Plan No. 22	\$1,826
(i) Regional Open Space (Structured) S94 Plan No. 26	\$12,076

- (j) Regional Open Space (Casual) \$4,439
S94 Plan No. 26

[PCC0215]

10. 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: 5.0852 ET @ \$4598 \$23,382

Sewer: 6.9778 ET @ \$2863 \$19,977

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]

11. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) The habitable area of the building is to be at a level no less than 300mm above the design flood level of RL 2.6m AHD.
 - (b) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.

[PCC0705]

12. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) provision of a full width concrete footpath for the full frontage of the site;

- (b) provision of a concrete vehicular access in accordance with Council standards.

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

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

[PCC0895]

13. 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]

14. 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.

[PCC1105]

15. 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]

16. 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]
17. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.
All stormwater must initially be directed to the DCP.

[PCC1165]

PRIOR TO COMMENCEMENT OF WORK

18. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
- [PCW0080]
19. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.
- [PCW0125]
20. 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:
 - (d) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (i) 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
 - (e) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
 - (f) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (g) notified the principal certifying authority of any such appointment, and
 - (h) 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]*
21. 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]*
22. 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]*
23. 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]*
24. 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]*

25. 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.

26. 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.

[PCW0985]

[PCW1065]

27. 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 Council's adopted Fees and Charges.

[PCW1075]

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

29. Prior to issue of Construction Certificate, a detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

30. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours for approval.

[PCW1085]

DURING CONSTRUCTION

31. 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]

32. 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]

33. 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]

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

[DUR2415]

35. 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]

36. 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]

37. 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]

38. 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]

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

[DUR2505]

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

[DUR2515]

41. 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]

42. 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]

43. 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:-

* 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

* 50⁰C 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]

44. 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]

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

[DUR2625]

46. 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]

47. 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]

48. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

49. The proponent shall notify Council's Engineering and Operations Division upon excavation of any disused sewer junction awaiting capping by Council.

[DUR2715]

50. The management of acid sulfate soil shall be carried out in accordance with the Acid Sulfate Soils & Dewatering Assessment for 151 Wharf St, Tweed Heads prepared by Border-Tech dated September 2005 (Job No: BT14098), "Section 6.1 - Acid Sulfate Soils Management Plan".
[DURNS01]
51. Dewatering of the site shall be carried out in accordance with the Acid Sulfate Soils & Dewatering Assessment for 151 Wharf St, Tweed Heads prepared by Border-Tech dated September 2005 (Job No: BT14098), "Section 7.6 - Dewatering Management Plan".
[DURNS02]
52. The burning off of trees, associated vegetation felled by clearing operations, and builder's waste is prohibited.
[DURNS03]
53. On completion of on-site remediation works and prior to any other works commencing on the site, a Validation Report prepared by a suitably qualified consultant shall be submitted to Council for review and approval. The Validation Report shall confirm that the site has been remediated and made suitable for the intended use.
[DURNS04]
54. Approval of Council's Director of Environment & Community Services Waste Services Coordinator must be obtained prior to the disposal of any contaminated material at any Council landfill site.
[DURNS05]
55. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
[DUR0235]
56. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by Tweed Shire Council.
[DUR0255]
57. Practical measures to the satisfaction of the General Manager or his delegate are to be taken to acoustically shield all pumps used for dewatering operations to minimise any noise disturbance to neighbouring or adjacent premises.
[DUR0265]
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. 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]

61. 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. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.

- (a) 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]

63. 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 Council's road reserve.

[DUR0435]

64. 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]

65. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

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

[DUR0785]

67. 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]
68. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
69. 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]
70. 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]
71. 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]
72. 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]
73. 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]
74. Building materials used below Council's minimum floor level of RL 2.6m AHD shall be flood compatible. [DUR1405]
75. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices. [DUR1415]

76. 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]
77. A full width reinforced concrete footpath is to be constructed along the entire road frontage of the development from the property line to the back of the existing kerb in accordance with Councils adopted Development Design and Construction Specification. [DUR1755]
78. 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]
79. 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]
80. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act. [DUR1885]
71. 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) Pathways, footways, bikeways - formwork/reinforcement
- (c) Final inspections

Water Reticulation, Sewer Reticulation, Drainage

- (a) Manholes/pits
- (b) Permanent erosion and sedimentation control measures
- (c) Final inspection

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]

82. 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]

83. 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]

84. 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]

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

[DUR2195]

86. 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]

87. Redundant road pavement, kerb and gutter or foot paving including and existing disused vehicular laybacks/driveways or other special provisions shall be reinstated in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

88. 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]

89. 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]

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

[POC1055]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

91. 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]

92. 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]

93. 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]

94. 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]

95. 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]

96. 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] S96(1A) Application DA05/0195.01 for Amendment to Development Consent DA05/0195 for a 6 Storey Res'l Flat Building Comprising 12 Units & Two Levels of Underground Carparking at Lot C DP406494; Lot 1 DP350710, No. 2 & 4 Boundary Lane, Tweed Heads

P 123 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Section 96 Application DA05/0195.01 for amendment to Development Consent DA05/0195 for 6 storey a residential flat building comprising of 12 units and two levels of underground carparking at Lot C DP 406494; Lot 1 DP 350710, No. 2 Boundary Lane Tweed Heads No. 4 Boundary Lane Tweed Heads be approved subject to the following amendments: -

1. Change the description of the development to read:

“A RESIDENTIAL FLAT BUILDING 6 STOREYS COMPRISING OF 13 UNITS AND TWO LEVELS OF UNDERGROUND CARPARKING AT LOT C DP 406494 & LOT 1 DP 350710, NO. 2 BOUNDARY LANE TWEED HEADS & NO. 4 BOUNDARY LANE TWEED HEADS”

2. Delete Condition 1 and replace with Condition 1A that reads as follows:

1A. The development shall be completed in accordance with the Statement of Environmental Effects (as amended April 2006) and Plans as follows:

- Drawing Number A01 Issue A prepared by Sean Gartner Architects and dated 22/02/2005 as approved by DA05/0195;
- Drawing Number A02 Issue B prepared by Sean Gartner Architects and dated 20/03/2006 as approved by DA05/0195.01;
- Drawing Number A03 Issue A prepared by Sean Gartner Architects and dated 22/02/2005 as approved by DA05/0195;
- Drawing Number A04 Issue B prepared by Sean Gartner Architects and dated 20/03/2006 as approved by DA05/0195.01;
- Drawing Number A05 Issue B prepared by Sean Gartner Architects and dated 20/03/2006 as approved by DA05/0195.01;
- Drawing Number A06 Issue B prepared by Sean Gartner Architects and dated 20/03/2006 as approved by DA05/0195.01; and
- Drawing Number A07 Issue B prepared by Sean Gartner Architects and dated 20/03/2006 as approved by DA05/0195.01.

except where varied by these conditions.

[GEN0010]

3. Delete Condition 9 and replace with Condition 9A that reads as follows:

9A 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 the date of this S96 consent only 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: | \$7,470 |
| | S94 Plan No. 4 (Version 4.0) | |
| | Sector1_4 | |
| b. | Open Space (Structured): | \$5,070 |
| | S94 Plan No. 5 | |
| c. | Open Space (Casual): | \$1,083 |
| | S94 Plan No. 5 | |
| d. | Shirewide Library Facilities: | \$4,474 |
| | S94 Plan No. 11 | |
| e. | Eviron Cemetery/Crematorium Facilities: | \$908 |
| | S94 Plan No. 13 | |
| f. | Emergency Facilities (Surf Lifesaving) | \$1,303 |
| | S94 Plan No. 16 | |
| g. | Extensions to Council Administration Offices | |
| | & Technical Support Facilities | \$8,246.44 |
| | S94 Plan No. 18 | |

h.	Cycleways S94 Plan No. 22	\$2,286
i.	Regional Open Space (Structured) S94 Plan No. 26	\$15,118
j.	Regional Open Space (Casual) S94 Plan No. 26	\$5,557
k.	Tweed Heads Master Plan: S94 Plan No. 27	\$13,611.00

[PCC0215/PSC0175]

4. Delete Condition 10 and replace with Condition 10A that reads as follows:

10A. 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: 6.2 ET @ \$4598	\$28,508
Sewer Banora: 10.25 ET @ \$2863	\$29,346

These charges are valid for the date of the S96 consent only 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.

[PCC0070/PSC0004]

FOR VOTE - Unanimous

P10 [PD-PC] Section 96(1A) Application DA04/1528.03 for Amendment to Development Consent DA04/1528.03 for a Residential Subdivision (MOD 76-6-2006 modifying DIPNR DA 243-10-2004) at Lot 242 & 243 DP 1082837, No. 159 Overall Drive, Pottsville

P 124 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this item be deferred pending further information.

FOR VOTE - Unanimous

P11 [PD-PC] Development Application DA06/0180 for a Retail Complex Comprising Supermarket & Seven (7) Speciality Shops at Lot 1, 2, 3, 4 DP4279; Lot 18 DP962878; Lot 1 DP443232; Lot 17 DP965658; Lot 1 DP437562; Lot 1 DP183770, No. 230 Tweed Valley Way, South

P 125 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/0180 for a retail complex comprising supermarket and seven (7) speciality shops at Lot 1, 2, 3 & 4 DP 4279; Lot 18 DP 962878; Lot 1 DP 443232; Lot 17 DP 965658; Lot 1 DP 437562; Lot 1 DP 183770, No. 230 Tweed Valley Way South Murwillumbah be deferred until the Town Centre Strategy for Murwillumbah has been provided. This is to be dated no later than the last Council meeting of 2006.

FOR VOTE - Unanimous

P12 [PD-PC] Development Application DA04/0943 for a 4 Lot Subdivision at Lot 2 DP 231879, No. 21 James Road, Tweed Heads South

P 126 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Development Application DA04/0943 for a 4 lot subdivision at Lot 2 DP 231879, No. 21 James Road, Tweed Heads South be refused for the following reasons: -

1. The NSW Rural Fire Service is not prepared to grant a Bush Fire Safety Authority as the application does not comply with the Planning for Bushfire Protection Guidelines 2001 as:

- a) The development cannot provide for the required Asset Protection Zones within the lot boundaries; and
 - b) The proposed Asset Protection Zones are non-complying. The Rural Fire Service does not support the vegetation assessment as outlined in the report by Bushfire Safe (Aust) Pty Ltd dated 13 September 2005.
2. To comply with the Planning for Bushfire Protection Guidelines 2001 the proposal requires clearing within a SEPP 14 wetland (as interpreted by reference to draft guidelines from the Department of Infrastructure, Planning & Natural Resources entitled "Interpreting SEPP 14 (Coastal Wetland) boundaries in the field"). As the proposal is on Council owned land approval requirements would place an onerous burden on Council at a conservation cost and without greater public benefit.
 3. To comply with the Planning for Bushfire Protection Guidelines 2001 the proposal requires clearing of part of two Endangered Ecological Communities, placing an onerous approval burden on Council at a conservation cost and without public benefit.
 4. The applicant's assessment of the vegetation community as Heath (Scrub) is not concurred with and as such the proposed development would require higher asset protection standards than have been submitted and result in further clearing and remnant degradation.
 5. The subdivision is not considered to be consistent with the environmental constraints of the site and is not considered to result in a good planning outcome.

FOR VOTE - Unanimous

P13 [PD-PC] Development Application DA06/0228 for an Extension to Supermarket and New Retail Space at Lot 1 DP 848125, No. 59-71 Darlington Drive Banora Point

P 127 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0228 for an extension to supermarket and new retail space at Lot 1 DP 848125, No. 59-71 Darlington Drive Banora Point 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 Plan Nos SD-01B, SD-02A prepared by ML Design and dated 2/03/2006, 21/02/2006, except where varied by the conditions of this consent.

[GEN0005]

3. Advertising structures/signs to be the subject of a separate development application, where statutorily required.

[GEN0065]

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. Detailed drawings showing equipment, shop fittings, shelving and internal finishes relative to the supermarket extension are to be submitted to Council's Environmental & Health Services Unit for further analysis, comment and approval prior to the commencement of any internal fit out.

[PCCNS01]

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:
S94 Plan No. 4 (Version 4.0)
Sector2_4 | \$51,982 |
|--|----------|

- (b) Extensions to Council Administration Offices
& Technical Support Facilities \$299.18
S94 Plan No. 18

[PCC0215/PSC0175]

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: 1.02 ET @ \$4598 \$4,690
Sewer Banora: 1.53 ET @ \$2863 \$4,380

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]

PRIOR TO COMMENCEMENT OF WORK

8. 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]
9. 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]
10. 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]
11. 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]

12. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.

[PCW1165]

13. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the principle certifying authority.

[PCWNS01]

DURING CONSTRUCTION

14. 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]

15. 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]

16. The 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]

17. 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]

18. 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]

19. 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]

20. 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]

21. 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]

22. 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]

23. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2255]

24. Fire hose reels shall be installed in accordance with the provisions of Part E1.4 of the Building Code of Australia and comply with Australian Standard AS1221 and AS2441.

However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.

[DUR1255]

25. Fire hydrants must be installed in accordance with the provisions of Part E1.3 of the Building Code of Australia and the installation must comply with Australian Standard AS2419.1 except where superseded by the provisions of the Building Code of Australia.

However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.

[DUR1265]

26. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and installed. Mounting heights shall be in accordance with AS2293.1.

[DUR1295]

27. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to the PCA prior to installation.

[DUR1305]

28. 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]

29. 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]

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

[DUR2415]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. 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]

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

[POC1055]

33. 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]

34. 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]

USE

35. 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]
36. 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]
37. Hours of operation of the business are restricted to the following hours: -
- * 6.00am to 9.00pm - Mondays to Fridays
 - * 6.00am to 6.00pm - Saturdays
 - * 8.00am to 6.00pm Sundays and Public Holidays
 - * No operations are to be carried out on Sundays or Public Holidays
 - * All deliveries and pickups relating to the business are to occur within the approved hours [USE0185]
38. All deliveries to the premises are to occur only within the hours of 8.30am to 5.30pm Monday to Saturday and No deliveries to occur on Sundays, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted. [USE0195]
39. 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]
40. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines, this includes all delivery and service vehicles. [USE0255]
41. The servicing of waste facilities shall be limited to between the hours of 7.00am to 7.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays. [USE0285]

FOR VOTE - Unanimous

P14 [PD-PC] Development Application DA06/0205 for 11 Industrial Units at Lot 21 DP 774059; Lot 24 DP 838868, No. 7 Hayley Place & No. 31 Lundberg Drive South Murwillumbah

P 128 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0205 for 11 industrial units at Lot 21 DP 774059; Lot 24 DP 838868, No. 7 Hayley Place & No. 31 Lundberg Drive South Murwillumbah 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. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 501-1A, 2A, 4A, 5A, 7A, 04260TH-02, 04260, and Figure 1.0 to 6.0 prepared by Bob Hancock Design, Stewart McIntyre & Associates Consulting Surveyors, and Blueland Engineers and dated November 2005, 3-10-2005, 4-8-2004 and February 2006, except where varied by the conditions of this consent. [GEN0005]
4. Regular inspections are to be carried out by the site supervisor to ensure that proper sediment & erosion control measures are maintained during construction. [GENNS01]
5. All works must be in accordance with the Engineering Report (blueLAND engineers, February 2006) submitted to Council. [GENNS01]
6. The grass swale must be constructed in accordance with the NSW EPA Guideline for Managing Urban Stormwater - Treatment Techniques (November 1997). [GENNS01]
7. The grass swale must be adequately maintained to the satisfaction of Council's Environment & Health Services Unit. [GENNS01]
8. The stormwater outlet to Condong Creek must be designed and constructed to ensure the ongoing stability of the creek bank. [GENNS01]

9. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

[GEN0015]

10. 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]

11. Non-reflective roof materials for any building shall be used.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. 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]

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) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

14. Stormwater

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

- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surchage overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff is to be pre-treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

15. 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]

16. 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]

17. The peak stormwater flow rate that may be discharged from the site to the road reserve, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP.

[PCC1165]

18. 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 DSP2:	1.931 ET @ \$4598	\$8,879
Sewer Murwillumbah:	2.331 ET @ \$2863	\$6,674

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]

19. 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: \$44,982
S94 Plan No. 4 (Version 4.0)

Sector10_4

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) Extensions to Council Administration Offices
& Technical Support Facilities \$245.39

S94 Plan No. 18

[PCC0215/PSC0175]

20. 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.

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.

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)

$\text{\$Unit}$ 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

[PCC0225]

PRIOR TO COMMENCEMENT OF WORK

21. 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]
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. 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]
24. 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]

25. 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]

26. 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]

27. 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]
28. 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]
29. 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]
30. 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 Council's adopted Fees and Charges.
[PCW1075]
31. All imported fill material shall be from an approved source. Prior to filling operations details of the source of fill shall be submitted to the satisfaction of Council's DECS.
[PCWNS01]
32. 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]
33. 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]
34. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.
[PCW1165]

DURING CONSTRUCTION

35. 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]

36. 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]

37. 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]

38. 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]

39. 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]

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

[DUR0445]

41. Building materials used below Council's minimum floor level of RL 6mAHD shall be flood compatible.

[DUR1405]

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

[DUR1415]

43. 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]

44. 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]

45. 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]
46. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
47. 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]
48. 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]
49. 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]
50. 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]
51. 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:-
* 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
* 50⁰C 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]
52. 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]

53. 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]
54. Erosion and sediment control devices should be installed to the satisfaction of Council's DECS and maintained throughout the duration of construction.
[DURNS01]
55. 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]
56. 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]
57. 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]
58. 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]
59. 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]

60. 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]
61. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
62. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection. [DUR2445]
63. 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]
64. 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) 200 millimetres thick reinforced with 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]
65. The driveway is to be constructed 7 metres wide at the property boundary and 13 metres wide at the kerb line with a uniform taper. [DUR0075]
66. The provision of 49 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]
67. 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]
68. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]

69. The site is to be filled to a minimum of RL 5.25 AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, in accordance with the approved construction certificate.
[DUR1425]
70. 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]
71. 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]
72. 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]
73. 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]
74. 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]
75. 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]
76. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway in accordance with Council adopted Design and Construction Specifications.
[DUR2365]

77. 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]

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

[DUR2625]

79. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by Tweed Shire Council prior to installation

[DUR2735]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

80. 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]

81. 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]

82. 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]

83. 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]

84. 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]

85. Submission to the Principle Certifying Authority, Certification for the stability of any retaining structures in excess of 1.2m erected on the site by a suitably qualified structural engineer.

[POC0815]

USE

86. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
[USE0395]
87. 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]
88. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USE0135]
89. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
[USE0145]
90. 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]
91. 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]
92. 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.
[PSCNS01]
93. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.
[PSCNS02]
94. 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.
[PSCNS03]

95. The access to Lundberg Drive shall be designed to allow for "B" Double Vehicles 25 metres in length with a turning speed of 5 KM/HR to 15 KM/HR in accordance with Austroads Design Vehicles and Turning Path Templates. [PSCNS04]
96. An application for the pylon sign is to be submitted to Council for assessment. The size and location of the sign is to be determined by suitable discussion between the General Manager or his delegate and the applicant.

FOR VOTE - Unanimous

P15 [PD-PC] Development Application DA05/1225 for the Establishment of a Pet Boarding Facility, including a Manager's Dwelling (Catering for Cats Only) at Lot 1 DP 855444 Binalong Court, Upper Burringbar

The following person addressed the meeting of the Planning Committee on this matter.

Mrs R Wright
Ms S Wright
Mr G Locke

P 129 COMMITTEE DECISION:

Administrator Turnbull
Administrator Willan

RECOMMENDED that Development Application DA05/1225 for the establishment of a pet boarding facility, including a manager's dwelling (catering for cats only) at Lot 1 DP 855444, Binalong Court Upper Burringbar be approved subject to the following conditions: -

GENERAL

1. All walls within the animal keeping areas shall be of solid construction to the satisfaction of the Director of Environment and Community Services. Solid construction shall be masonry and shall not include timber frame or cavity construction. Wall surfaces shall be smooth and impervious. [GENNS01]
2. Prior to the occupation of the Building the existing cabin/dwelling (approved under DA03/1438 by Council on 12 March 2004) is to be decommissioned and rendered uninhabitable by the removal of the kitchen sink, cooking facilities and laundry facilities.
3. The garage approved under DA02/1896 determined by Council on 13 December 2002 must not be used for human habitation or occupation.
4. Laundry facilities are to be provided to the Pet Boarding Facility/Managers Residence Building in accordance with Part 3.8.3 of the Building Code of Australia Volume II. [GENNS02]

5. Cats shall be kept within the enclosed boarding area at all times and shall not be permitted to roam.
6. All internal surfaces within the cat boarding area shall be impervious, solid, washable materials.
7. Not more than 52 cats shall be boarded or kept at the premise at any time.
8. All solid waste from pens, including manure, soiled litter and soiled bedding, shall be removed from pens on a daily basis. This material shall be stored and disposed to the satisfaction of the DECS and shall not be directed to the OSSMF. Waste materials shall be disposed of off site by way of an approved waste collection and disposal service not less than once per week unless an alternative has been approved in writing by the DECS.
9. Wastes shall be stored in a suitable container with a tight fitting lid and suitably bagged prior to placement in the bin.
10. Composting of waste materials on the site is not permissible without the prior inspection and approval of the proposed composting site/activities by Council's EHO. Composting shall not be permitted to impact the amenity of any premise.
11. The cleaning of cattery pens shall be through a steam cleaning or other approved procedure which enables hygienic pen areas without generating large volumes of waste water.
12. Offensive noise shall not be caused or permitted to be emitted from the premise. Noise shall not be audible within any habitable premise between 9pm and 7am (night), and shall not exceed background levels by more than 5dB(A) between 7am and 9pm (day) when measured externally adjacent to the most affected residence.
13. All animal foods shall be stored in a dry and healthy state, free from vermin. The premise, including animal sleeping areas, shall be maintained in a healthy condition and free from vermin and odour.
14. The pet boarding facility shall be constructed and operated in accordance with the Animal Welfare Code of Practice No. 5, Care and Management of Dogs and Cats in Boarding Establishments (NSW Agriculture, October 1996).
15. The on-site sewerage management system is not to be utilised for treatment or disposal of cat faecal matter or urine.
16. The windows and louvers to the cattery shall be capable of being closed and shall be effective in preventing the escape of odours from the cattery. These windows and louvers shall be kept closed where directed in writing by Council. The cattery shall not be permitted to impact the amenity of any premise by way of odour.

17. The premises shall not be used for the keeping of dogs nor shall it be used for any other dog related services such as dog grooming, boarding or dog washing.
18. A hand basin provided with warm water shall be provided within the cat boarding work area.
19. The pick up and drop off of cats shall be restricted to 8.30am to 4.30pm Monday to Saturday and 3.00pm to 5.00pm on Sundays and Public Holidays.
[GENNS03]
20. This consent is limited to a period of two (2) years from the date of the Final Occupation Certificate of the building. If the development is to go beyond this period a Section 96 Application will need to be lodged at least two (2) months prior to the expiry of the consent.
[GENNS04]
21. 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]
22. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
23. Any proposed advertising structures/signs are subject to a separate development application and approval from Council, where statutorily required.
[GEN0065]
24. The development shall be completed in accordance with the Statement of Environmental Effects, Drawing Number 1512/05 prepared by Ian Webb Building Design and dated October 2005, Plan No 03 4945 Sheets 01, 02, 03, 04 and 06 prepared by John Robinson Design & Drafting Services and dated January 2004 and correspondence and documentation received by Council dated 6 February 2006 (Document No. 1341097), correspondence received by Council dated 22 December 2005 (Document No. 1320980), correspondence received by Council dated 28 November 2005 (Document No. 1313989) and the submitted Soil and Water Management Plan dated January 2006, except where varied by the conditions of this consent.
[GEN0005]
25. The keeping (including the micro-chipping and registration) of other domestic animals on the property shall be done so in accordance with the Companion Animals Act 1998 and Local Government Act 1993.
[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

26. Prior to the issue of a Construction Certificate, Council shall be provided with a detailed drawing or section which illustrates "solid wall construction".

[PCCNS01]

27. 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]

28. 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) Sector11_4	\$1,255
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[PCC0215]

29. 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]

30. 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]

31. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. Please note that the minimum storage capacity required shall be 20,000 litres.

[PCC1215]

32. 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]

33. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

PRIOR TO COMMENCEMENT OF WORK

34. 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]
35. 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]
36. 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]

37. 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]

38. 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]

39. 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]

40. 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]

41. 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]

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

[PCW1095]

DURING CONSTRUCTION

43. 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]

44. 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]
45. 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]
46. 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]
47. 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]
48. 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]
49. 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]
50. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
[DUR2415]
51. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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]

52. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.

[DUR2775]

53. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work

(a) Bitumen sealing of access from the road carriageway to the property boundary of the lot. The access shall be 4.0m in width.

(b) Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, in accordance with Councils adopted Development Design and Construction Specifications.

The proposed driveway within the allotment shall be constructed to a 4.0m wide bitumen seal.

[DUR0045]

54. The provision of 5 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]

55. All proposed building pads are to be filled to a minimum 300mm above the Q100 design flood level, including provision for any localised overland flow.

[DUR1375]

56. 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]

57. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

58. 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]

59. 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]
60. 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]
61. 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]
62. 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]
63. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
64. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.
[DUR0835]
65. 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]
66. 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]
67. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
[DUR1945]

68. 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]

69. 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]

70. 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]

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

[DUR2515]

72. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

73. 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]

74. 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]

75. 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]

76. 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]

77. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.

[POC0515]

78. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

79. A native buffer strip consisting of fast growing plant species shall be planted along the property boundary adjoining Lot 2 DP 596443 prior to the commencement of building works for natural screening purposes. A landscaping plan depicting the plant species and planting area must be submitted to Council for approval by the General Manager or his delegate prior to the issue of a Construction Certificate for the building.

[POCNS01]

USE

80. 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]

81. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
82. 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]
83. 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]
84. 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]
85. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. [USE0875]
86. The premises shall be maintained in a clean and tidy manner. [USE0965]
87. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [USE0395]

CONDITIONS IN ACCORDANCE WITH SECTION 79BA OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 FROM THE NSW RURAL FIRE SERVICE

1. Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.
2. The structure shall incorporate gutterless roofing or leafless guttering to prevent the build up of flammable material.
3. In recognition that no reticulated water supply exists, a 10,000 litre dedicated water supply tank shall be provided and a minimum of 3kW (5hp) petrol or diesel powered pump. A 65mm storz fitting and ball or gate valve shall be installed in the tank.

4. Access shall comply with section 4.3.2 Planning for Bushfire Protection 2001.
5. On the eastern, western and northern aspects, the property around the dwelling to a distance of 20 metres or the boundary if less, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

On the southern aspect, the property around the dwelling to a distance of 30 metres, shall be maintained as an 'Inner Protection Area' (IPA), as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

FOR VOTE - Unanimous

P16 [PD-PC] Development Application DA06/0376 for the Erection of a Barn/Shed for the Purpose of Storage and Warehousing of Stock Feed for Wholesale Selling to Retail Outlets at Lot 1 DP 614101, No. 783 Piggabeen Road, Piggabeen

The following person addressed the meeting of the Planning Committee on this matter.

Miss Fiona Stewart

P 130 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0376 for the erection of a barn/shed for the purpose of storage and warehousing of stock feed for wholesale selling to retail outlets at Lot 1 DP 614101, No. 783 Piggabeen Road Piggabeen 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. Advertising structures/signs to be the subject of a separate development application, where statutorily required. [GEN0065]
3. The development shall be completed in accordance with the Statement of Environmental Effects and Site Plan dated 12 July 2006 prepared by Fiona Stewart and Plan No 3122-104-1 prepared by HTABA Pty Ltd and dated 2/8/01, Job Number 00045 Drawing Numbers 1-4 prepared by Des Newport Consulting Engineers Pty Ltd and dated March 2000 and Front Portal Plan dated April 2006, except where varied by the conditions of this consent. [GEN0005]

4. 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]
5. The largest vehicle used to access the site shall not be any greater than 12 metres in length. [GENNS01]
6. The proposed development is to be used primarily for warehousing and wholesale selling of rural products to other retail outlets. [GENNS02]
7. The barn/shed is to be setback at least 10 metres from the front property boundary and the access from the road to the front property boundary is to be sealed to a standard approved by Council. [GENNS03]
8. The barn/shed is to be adequately screened by the planting of native species between the front of the barn/shed and the front property boundary. [GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. The developer shall provide 2 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 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

10. 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. [PCC0065]

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.

11. 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. [PCC0075]

(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/driveway
- location of all service conduits (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]

12. Prior to the issue of a Construction Certificate, the applicant shall submit to Council a properly detailed and dimensioned drawn to scale plan of the car parking area and driveway.

[PCCNS01]

13. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all 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)
Sector4_4 | \$676 |
|--|-------|

[PCC0215/PSC0175]

PRIOR TO COMMENCEMENT OF WORK

14. 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]
15. 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]
16. 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]
17. 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]
18. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work
- (a) Bitumen sealing of both accesses from the road carriageway to the property boundary.

- (b) Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, to each lot in accordance with Councils adopted Development Design and Construction Specifications. [DUR0045]
19. The provision of 2 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]
20. 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]
21. 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) Excavation of subgrade
- (c) Final inspection
- (d) Off Maintenance inspection

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]

22. 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]
23. 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]

24. 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]

25. The burning off of trees, associated vegetation felled by clearing operations, and building waste is prohibited.

[DURNS01]

26. Any domestic water supply roof collection system is to be fitted with a first flush device.

[DURNS02]

DURING CONSTRUCTION

27. 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]

28. 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]

29. 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]

30. 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]

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. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. 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]

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

[POC1055]

USE

35. All loading/unloading to take place within the boundary of the subject property.
36. All vehicular entry and existing of the subject property is to be in a forward direction.
37. 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.
38. Hours of operation of the business are restricted to the following hours: -
- * 9.00am to 5.30pm - Mondays to Fridays
 - * 8.30am to 12.30pm - Saturdays
 - * No operations are to be carried out on Sundays or Public Holidays
 - * All deliveries and pickups relating to the business are to occur within the approved hours.
39. 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.
40. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.
41. A regular treatment regime shall be implemented at the site for the control of vermin.

[USE0525]

[USENS01]

[USE0125]

[USE0185]

[USE0225]

[USE0875]

[USENS02]

FOR VOTE - Unanimous

- P17 [PD-PC] Development Application DA04/1652 for 6 Residential Units With Building Line Variation at Lot 3 Section 8 DP 758571, No. 264 Marine Parade, Kingscliff**

P 131 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Development Application DA04/1652 for a 6 residential units with building line variation at Lot 3 Section 8 DP 758571, No. 264 Marine Parade Kingscliff be approved subject to the following conditions: -

- A. The deletion of all hard stand (non-pervious) areas including the pool and associated structures within the 6 metre front setback in favour of soft landscaping, which may include an entry statement is to be provided, details of which are to be provided prior to the issue of a Construction Certificate for approval by the General Manager or his delegate.

B. 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 issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. The site shall not be dewatered.
5. All wastes shall be collected, stored and disposed to the satisfaction of DECS. A screened, graded and drained garbage storage area shall be provided within the boundary of the site. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection.
[GENNS01]
6. Acid sulfate soils shall not be exposed or disturbed.
[GENNS02]
7. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in Council's road reserve shall require the submission and approval of a separate s.138 application, which is to be accompanied with all necessary engineering detail to the satisfaction of Council's Director of Engineering and Operations.
[GENNS03]
8. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing No DA:01 prepared by Brian Kenny and dated 13 June 2006 and Drawing Nos DA:02 - DA:12 prepared by Brian Kenny and dated 14 February 2005, except where varied by the conditions of this consent.
[GEN0005]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. 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]

10. 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) Sector6_4	\$4,732.00
(b) Open Space (Structured): S94 Plan No. 5	\$2,280.00
(c) Open Space (Casual): S94 Plan No. 5	\$487.00
(d) West Kingscliff - Drainage: 0.06 ha @ \$16070 DCP No. 9 S94 Plan No. 7	\$964.20
(e) Shirewide Library Facilities: S94 Plan No. 11	\$2,012.00
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$409.00
(g) Community Facilities (Tweed Coast - North) S94 Plan No. 15 North Coast	\$2,952.00
(h) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$586.00
(i) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,708.45

- (j) Cycleways
S94 Plan No. 22 \$1,028.00
- (k) Regional Open Space (Structured)
S94 Plan No. 26 \$6,799.00
- (l) Regional Open Space (Casual)
S94 Plan No. 26 \$2,499.00

[PCC0215]

11. 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 DSP5:	3.8 ET @ \$4598	\$17,472
Sewer Kingscliff:	5 ET @ \$6688	\$33,440

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]

12. 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]

13. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

[PCC0585]

14. The basement car parking is to be protected against the inflow of water from Kingscliff Lane, by grading the driveway to rise to a level of 170mm above the invert of the existing kerb and gutter, prior to grading down to the basement level. A detailed design of the basement stormwater pump out system is to be provided and designed for a storm event with a 10 year average return interval (ARI 10). The consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.

[PCC0685]

15. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- a) Construction of concrete path paving for the full frontage of the site to Marine Parade. The existing grassed footpath area "rolls over" into the site and does not conform with Council's standard footpath crossfall. The footpath area will need to be filled and regraded accordingly, and merged smoothly with existing adjoining path paving. Any existing services within the footpath area will need to be raised to the new level.

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

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

[PCC0895]

16. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls, further acknowledging that any retaining walls for the OSD system must be waterproofed and be designed to hold back significant volumes of water, including a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

17. 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]

18. 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, maximizing 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.
 - (ii) The On-site Stormwater Detention (OSD) proposal requires modification to ensure the system will function adequately. The following amendments are to be incorporated within the plans submitted with the application for a Construction Certificate;
 1. Provision must be made for a relief overland stormwater flowpath from the OSD storage area and Discharge Control Pit (DCP), for storm events exceeding the 1 in 100 year event.
 2. The top water level of the OSD storage area will need to be raised to allow the DCP to function, and provide free discharge to Kingscliff Lane.
 3. The OSD outlet pipe is to be enlarged to 225mm diameter.
 4. Provide a grated conversion pit at the end of the above line, at the western boundary of the site, with a 200 mm x 100mm galvanized RHS outlet discharging to the kerb.
19. A construction certificate application for works that involve any of the following:- [PCC1105]
- 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.

20. Erosion and Sediment Control shall be provided in accordance with the following: [PCC1145]
- (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]
21. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.
- All stormwater must initially be directed to the DCP.
- [PCC1165]
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. Prior to the issue of a Construction Certificate, a Demolition Works Plan must be submitted to Council for the demolition of the existing building.
- [PCCNS01]
24. Prior to the issue of a Construction Certificate and any demolition of structures onsite a Demolition Works Plan must be submitted to Council for approval.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

25. 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]
26. 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]
27. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.
- [PCW0705]
28. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required 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]

29. 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]

30. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and

- * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- [PCW0235]
31. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (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]
32. 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]
33. 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]
34. 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]
35. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.
- [PCW1065]
36. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the DECS.
- [PCWNS01]
37. Prior to issue of Construction Certificate, a detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
38. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours for approval.

DURING CONSTRUCTION

39. 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]
40. 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]
41. 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]
42. Provision to be made for the designation of a durable and pervious car wash-down area. The area must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system.
- [DUR0975]
43. 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]
44. 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]
45. 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 Marine Parade 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]

46. 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]
47. The footpath area is to be graded to the kerb and turfed for the full frontage of the site. [DUR1865]
48. 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]
49. 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]
50. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated. [DUR2375]

51. 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]
52. 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]
53. 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. [DUR1715]

54. 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]

55. 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. 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]

57. 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]

58. 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]

59. 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]

60. 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]
61. 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]
62. 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]
63. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
64. 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]
65. 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]
66. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties. [DUR1965]
67. 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]
68. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
69. 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]
70. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
71. 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]
72. 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]
73. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
74. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
75. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR2525]
76. 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]
77. 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]
78. 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:-
* 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
* 50⁰C 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]
79. 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]
80. 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]

81. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

82. 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]

83. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by Tweed Shire Council prior to installation

[DUR2735]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

84. Redundant road pavement, kerb and gutter or foot paving including and existing disused vehicular laybacks/driveways or other special provisions shall be reinstated in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

85. 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]

86. 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]

87. 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]

88. 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

89. Use of the swimming pool, lighting or plant on the site shall not be permitted to impact the amenity of any premise.

[USENS01]

90. 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]

91. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0135]

FOR VOTE - Unanimous

P18 [PD-PC] Review of Determination of Development Application DA05/1298 for a Fence Height Variation at Lot 1 SP 72960, No. 1/18 McGregor Crescent Tweed Heads

The following persons addressed the meeting of the Planning Committee on this matter.

Mr L McKeown
Mr M Basa

P 132 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that the Review of Determination of Development Application DA05/1298 for a fence height variation at Lot 1 SP 72960, No. 1/18 McGregor Crescent Tweed Heads be approved subject to the following condition: -

1. The development shall be completed in accordance with the Statement of Environmental Effects and Ground Floor Plan prepared by Forgan Smith Architects (QLD) PTY. LTD. and dated 28 October 2005 and Photograph C dated 28 October 2005, except where varied by the conditions of this consent. [GEN0005]

**Vote For - Administrator Turnbull, Administrator Willan
Vote Against - Administrator Boyd**

P19 [PD-PC] Development Application DA05/0824 for Multi Dwelling Housing Comprising Four (4) Units at Lot 4 Section 2 DP 7309, No. 26 Seaview Street, Kingscliff

The following persons addressed the meeting of the Planning Committee on this matter.

Dr A Sterne
Mr A Smith, Planit Consulting

P 133 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA05/0824 for multi dwelling housing comprising four (4) units at Lot 4 Section 2 DP 7309, No. 26 Seaview Street Kingscliff 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 DA:01 - DA:09 Issue E, prepared by Brian Kenny and dated 07/04/2006, 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.
[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. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of Council's Director of Environment and community Services where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.
[GENNS01]
6. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate.
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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) Sector6_4	\$2,548
(b) West Kingscliff - Drainage: 0.077 ha @ \$16070 DCP No. 9 S94 Plan No. 7	\$1,237.39
(c) Shirewide Library Facilities: S94 Plan No. 11	\$1,112
(d) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$229
(e) Community Facilities (Tweed Coast - North) S94 Plan No. 15 North Coast	\$1,476
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$324
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,049.37
(h) Cycleways S94 Plan No. 22	\$568
(i) Regional Open Space (Structured) S94 Plan No. 26	\$3,756
(j) Regional Open Space (Casual) S94 Plan No. 26	\$1,381

[PCC0215]

8. 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 DSP5:	2.2 ET @ \$4598	\$10,116
Sewer Kingscliff:	3 ET @ \$6688	\$20,064

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]

9. A detailed plan of landscaping is to be submitted and approved by the General Manager or his delegate prior to the issue of a Construction Certificate.

The submitted landscaping plan is to include a variety of species, plant maturity and height with the overall objective of ensuring that the development is softened, privacy levels are maintained or increased and that views afforded from the southern property are not unnecessarily obstructed.

[PCC0585]

10. The proponent shall submit plans and specifications with an application for 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 kerb & gutter along the entire site frontage of Orient Lane.

[PCC0875]

11. 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) Runoff from driveway and basement car park areas must be treated to remove oil and sediment pollutants prior to discharge to the public realm. Permanent treatment devices must be sized in accordance with Section D7.12 of Council's Development Design Specification D7 - Stormwater Quality. Full engineering details of all treatment devices, including maintenance schedules, must be submitted with a S68 Stormwater Application for approval prior to the issue of a Construction Certificate.
 - (ii) The dedicated car wash bays must be constructed of pervious materials.
- [PCC1105]
12. 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]

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. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP.
[PCC1165]
15. 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]
16. All pipe drainage off site is to be to Seaview Street, with connection via to the existing kerb and gutter. No discharge is allowed onto neighbouring properties or Orient Lane, with the exception of the proposed car wash bay which may grade to the road reserve of Orient Lane.
[PCCNS01]
17. Driveway entrances must be graded to ensure Q100 stormwater runoff from Orient Lane does not enter the basement car park.
[PCCNS01]
18. Construction Certificate drawings shall make provisions for the regrading of the subject site in accordance with Council's Development Control Plan 47 "Cut and Fill on residential Land " or to the satisfaction of the Director Engineering and Operations Division.
[PCCNS01]
19. Any retaining wall in excess of 1.2m shall be designed by a suitably qualified geotechnical / structural engineer in accordance with AS4678 - 2002 - Earth Retaining Structures. A report detailing compliance with the design provisions of this standard shall accompany the Construction Certificate drawings.
[PCCNS01]

20. Prior to the issuing of a Construction Certificate, a full geotechnical assessment of the site is to be carried out and a report submitted to Council for approval. The report must include recommendations relating to site stability, suitability, proposed on-site excavation works including temporary and permanent retention methods proposed for the protection of adjacent structures, foundation design parameters, construction theories, as well as any other geotechnical matters of relevance relating to the proposed development.

[PCCNS01]

21. Ground anchors to retain sacrificial sheet piling (as required) will not be allowed within Council property without prior approval for installation by the Director Engineering and Operations Division and removal on completion or substantial financial compensation. Council will only allow ground anchors with neighbouring private property if consent by the owners of the property to be burdened is obtained prior to installation.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

22. 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]

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

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

24. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

25. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
- * the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:

- * the name of the owner-builder, and
- * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

26. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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.

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]

31. 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 Council's adopted Fees and Charges.

[PCW1075]

DURING CONSTRUCTION

32. 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]

33. 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]

34. The provision of 10 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, AS 2890 and the parking layout plan submitted.

[DUR0085]

35. 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]

36. 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]

37. 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]

38. 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]

39. 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]

40. 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]

- (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]

41. 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]

42. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0645]

43. Removal

- (a) All deteriorated and defective materials are to be replaced by sound materials.
- (b) The building is to be painted internally and externally.
- (c) The building is to be set up and completed in a tradesman like manner and to Council's satisfaction.
- (d) The building is not to be occupied until all work is completed and Council's approval to occupy has been granted.
- (e) Detail's covering the date and time of removal and route to be travelled are to be submitted to Council's Engineering Division prior to commencing work.

[DUR0665]

44. 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.

[DUR0725]

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

[DUR0815]

46. 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]

47. 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]

48. 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]

49. 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]

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

[DUR1045]

51. 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]

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 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]
53. 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]
54. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
55. 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]
56. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
57. 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]
58. 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]

59. 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]
60. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
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:-
- * 45⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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. 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]
66. Appropriate measures are to be 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 by prior to cessation of same days work and/or commencement of any rain event.
- [DURNS01]

67. Erosion and sediment control measures shall be installed and maintained to the satisfaction of Council's Director of Environment and Community Services throughout the duration of construction. [DURNS01]
68. An engineers certificate of structural adequacy is to be submitted to Council and the Principal Certifying Authority within 7 days of the site being excavated certifying the structural adequacy of the sheet piling or other methods used to support adjoining properties. [DURNS02]
69. The proponent shall submit to Council at each stage of construction a surveyors certificate specifying the RL levels for the basement/ground floor, and each and every subsequent floor and roof height level within one (1) week of the construction component being completed.
70. Prior to issue of Construction Certificate, a detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
71. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours for approval. [DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

72. 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]
73. 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]
74. 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]

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]

76. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

USE

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]

78. 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]

79. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[USE0395]

80. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

81. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE1295]

FOR VOTE - Unanimous

P 134 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that the Committee resumes in Open Council.

FOR VOTE - Unanimous

156 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the recommendations of the Planning Committee held 15 August 2006 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

157 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] Tweed and Coolangatta Tourism Inc. Management Agreement

O 204 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council;

1. Endorses the draft agreement as presented in the appendix to this report.

2. Authorises the agreement to be duly signed and executed under the Common Seal of Council.

FOR VOTE - Unanimous

O2 [GC-OC] Kingscliff Visitor Information Centre

O 205 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council;

1. Authorises Tweed and Coolangatta Tourism Inc. to operate an accredited Visitor Information Centre at Kingscliff.
2. Allocates \$25,000 per annum from its Economic Development Budget Program to Tweed and Coolangatta Tourism Inc. to operate an accredited Visitor Information Centre at Kingscliff.
3. Acknowledges the operation of the Kingscliff Visitor Information Centre in the payment of funding amounts as embodied in the Tweed and Coolangatta Tourism Inc's Management Agreement.

FOR VOTE - Unanimous

O3 [GC-OC] Court Order - Unregistered Vehicle

O 206 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O4 [GC-OC] Tweed Shire Council Audit Committee Membership

O 207 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council in accordance with the Audit Committee Charter appoints Administrator Frank Willan to the vacancy caused by the resignation of Administrator Payne.

FOR VOTE - Unanimous

05 [GC-OC] First Round applications for Financial Assistance 2006/2007 - Festivals Policy

O 208 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council allocates the first round donations for 2006/2007 under the Festivals Policy, as follows:-

Applicant	Amount Approved
Senior Citizen's Week Committee 2006	\$5,500
Lions Club of Cabarita Beach-Pottsville Beach	\$2,000
Wollumbin Dreaming	\$5,000
Speed on Tweed	\$5,500
Tweed Training & Enterprise Co (t/a Youth Enterprise Service)	\$2,000
Whole Woman	\$4,000
Murwillumbah Community Centre (Harmony Day)	\$1,900
Tweed Valley Banana Festival & Harvest Week	\$8,500
TOTAL	\$34,400

FOR VOTE - Unanimous

06 [GC-OC] First Round applications for Financial Assistance 2006/2007 - Donations Policy

O 209 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council allocates the first round donations for 2006/2007 under the Donations Policy as follows:-

Applicant	Amount Approved
Blind and Vision Impaired Support Group	\$1,750
Camp Quality	\$2,000
Friends of the Pound	\$2,000

Applicant	Amount Approved
RSL - Burringbar	\$1,000
Scouts - Chinderah	\$2,000
Scouts - Murwillumbah	\$2,000
St Joseph's Community Centre	\$1,500
Tweed Palliative Support	\$1,000
Tweedlesea Day Care Club	\$2,000
Twin Towns Friends Association	\$2,000
U3A	\$500
Uki Village and District Residents Association	\$1,895
Westpac Lifesaver Rescue Helicopter	\$2,000
Women's Golf Murwillumbah	\$500
TOTAL	\$22,145

FOR VOTE - Unanimous

07 [GC-OC] In Kind Register - April to June 2006

O 210 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

08 [GC-OC] Quarterly Budget Review - 30 June 2006

O 211 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the:-

1. Quarterly Budget Review Statement as at 30 June 2006 be adopted.
2. Expenditure and income, as detailed below, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2006.

Item	Description	Change to Vote	
		Deficit	Surplus
	General Fund		
1	5 Reynolds St property	10,500	

TWEED SHIRE COUNCIL MEETING HELD TUESDAY 15 AUGUST 2006

1	Community Buildings Asset Management Reserve		10,500
2	Employee health assessments	5,600	
3	Employee counselling	5,000	
4	Development legal expenses	310,000	
5	Coastline management plan grant funding	250,000	
5	Coastline management plan		250,000
6	Foreshore Restoration June 05	4,000	
7	Art Gallery Extensions	130,000	
7	Art Gallery grant		130,000
8	Rates Income		364,462
9	Employee Leave Entitlements Reserve	39,862	
21	Tweed Heads Master Plan	25,000	
21	Grant funding for above		25,000
22	Coastline management plan		320,000
22	Coastline management plan loan funding	250,000	
22	Coastline management plan revenue funding	70,000	

Item	Description	Change to Vote	
23	Revolving Energy Fund		45,439
23	Revolving Energy Fund reserve	45,439	
24	Cudgen Lake Acid Management		18,264
25	Art Gallery Extensions		60,742
26	Museum operating expenses		4,200
27	Historical signage - allocate to Web Site/Education Kit TRRM. Minute O26 13/6/06		7,041
28	Boat ramp maintenance		6,000
29	Wharves maintenance		8,000
30	Canal maintenance		10,000
31	Community project officer		4,615
32	Civic Liaison		21,332
33	Cultural development fund		23,549
34	City of the Arts		70,361
35	Risk management		51,464
36	Risk management		65,495
37	Fire control expenses		83,426
38	Community worker costs		6,677
39	Koala Beach LEP 57		19,719
40	Kyogle Road LEP 30		6,957
	Works carried forward reserve	467,842	
		1,613,243	1,613,243
	Net Surplus/(Deficit)		0
	Water Fund		
10	Various capital works		571,000
11	Consumer services		144,000
12	Connection fees	119,000	
13	Transfers to Asset replacement reserve	55,500	

14	Transfers from Asset Replacement Reserve	309,500	
15	Transfers from Capital Contributions Reserve	231,000	
		715,000	715,000
	Net Surplus/(Deficit)		0
Sewer Fund			
16	Various capital works		737,000
17	Water cycle management		200,000
18	Transfers to Asset replacement reserve	315,000	
19	Transfers from Asset Replacement Reserve	258,500	
20	Transfers from Capital Contributions Reserve	363,500	
		937,000	937,000
	Net Surplus/(Deficit)		0

FOR VOTE - Unanimous

O9 [GC-OC] Monthly Investment Report for Period Ending 31 July 2006

O 212 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 July 2006 totalling \$123,984,925.34 be received and noted.

FOR VOTE - Unanimous

O10 [GC-OC] Corporate Quarterly Report - April to June 2006

O 213 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the Corporate Quarterly Report for the period 1 April 2006 to 30 June 2006 be received and noted.

FOR VOTE - Unanimous

O11 [GC-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June 2006

O 214 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O12 [EO-OC] Murwillumbah Memorial Swimming Pool Complex and Car Park

O 215 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Detailed design of the Murwillumbah Swimming Complex upgrade and Car Park be completed in accordance with the original scope of works.
2. On completion of the detailed design, tenders for the Murwillumbah Swimming Complex upgrade and Car Park proceed to a separable portions contract document consisting of:-

PART A

- Upgrade existing 50 m pool
- New hydrotherapy pool 14m x 8m
- New heated Learn to Swim Pool
- New outdoor Leisure pool
- Prep works and external works including demolition, earthworks, new entry concourse, roadworks and service relocations
- 1000 square metre pool hall including new change rooms, manager's office, reception, but excluding ceramic floor tiling, kitchen and ancillary offices/storage*
- Ground floor plus one additional car park level of 97 spaces

PART B

- 25 metre heated pool
- New Diving Pool
- 1200 square metre pool hall including ceramic tiling, kitchen and ancillary offices/storage*

* If this option is adopted it would replace the 1000 square metre pool hall shown in Part A above.

PART C

- New Grand Stand

- Third Level of Car Park 84 spaces
 - Pool hall enclosing 25 metre pool
3. Council apply for a New South Wales Regional Sports Facility Program Grant (2006/2007) to assist in the financing of the swimming pool complex.

FOR VOTE - Unanimous

O13 [EO-OC] Tweed Heads Masterplan Stage 1 Implementation - Jack Evans Boat Harbour Design

O 216 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. Adopts the Current Jack Evans Boat Harbour Design Concept.
2. Endorse the preferred option, being Option 1
 - Site preparation for the old Border Caravan Park
 - Implementation of the Indigenous Public Place-making Project (on above site)
 - Key access / promenade adjacent to above site
 - Furniture / Signage and Lighting (on above site)
 - Consultancy

as the first stage of construction of the open space development at Jack Evans Boat Harbour.
3. Proceed with the detailed design and contract documentation for option 4, which includes all the works in preferred Option 1, with the addition, for the implementation of the boardwalk. Contract documents to be prepared on a separable portions basis.
4. Pursue additional funding for future construction stages.
5. Prepare and exhibit draft amendments to Section 94 Contribution Plan Nos. 26 and No.27, to reflect the revised costing situation.

FOR VOTE - Unanimous

O14 [EC-OC] Tweed Youth Needs Analysis - Implementation Report

O 217 COMMITTEE DECISION:

Administrator Willan
Administrator Turnbull

RECOMMENDED that Council:

1. Endorses the findings of the Tweed Youth Needs Analysis prepared by consultants Plan C and Fieldworx.
2. Advises the Pottsville District Youth Centre Management Committee that there may be financial constraints in obtaining a public site for a youth centre and that should they wish to continue to use Crown Land, they should make direct representation to the Department of Lands.
3. Notes the inclusion of funding for implementation of the advocated youth policies and strategies in Council's Management Plan and Budget, and in the 7 Year Infrastructure and Services Plan.
4. Notes that council officers, non government organisations and community members are working on providing a range of services, programs, activities and events in the Pottsville/ Cabarita and Hastings Point area that cater to the needs of the areas' youth.
5. Strongly supports the concept of resource sharing of facilities and programs between the Pottsville / Cabarita / Hasting Point area.

FOR VOTE - Unanimous

O15 [EC-OC] Membership of the Public Transport Advisory Working Group (Committee)

O 218 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that Council invites representatives from:-

Surfside Buslines
Tweed Taxis Pty Ltd
Tweed Byron Ballina Community Transport
Blind Citizens Australia Inc.
Department of Transport
Northern Rivers Social Development Council
Tweed Shire Council Staff
Murwillumbah Bus Company
Pottsville Community Association
Department of Veteran Affairs

to become members of the Public Transport Advisory Working Group (Committee).

FOR VOTE - Unanimous

O16 [EC-OC] Use of Chemical Closets for Builders' Toilets

O 219 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council:-

1. Advertises an amended fee of \$288 for the chemical closet service fee, for twenty-eight (28) days for public comment; and
2. No longer requires the submission of a chemical closet fee to be paid unless it is intended to install a chemical closet on the building site.

FOR VOTE - Unanimous

O17 [EC-OC] Tweed Seniors Expo 2006

O 220 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council:-

1. Notes the report on the Seniors Expo 2006.
2. Continues to support Tweed Shire Senior Citizens Week Committee to provide an annual Seniors' Expo in Tweed Shire.

FOR VOTE - Unanimous

O18 [EC-OC] Grant - Tweed Shire Family Day Care

O 221 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council extends the repayment period for the Tweed Shire Family Day Care grant of \$300,000 to a 16 year period.

FOR VOTE - Unanimous

O19 [EC-OC] Proposed Lease Alteration; Home & Community Care (HACC) Centre, Heffron Street, Tweed Heads South

O 222 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that Council:-

1. Agrees to alter the lease agreement with Australian Red Cross to include the office area formerly occupied by Tweed River Home Modification & Maintenance Association Inc. with a corresponding increase in lease fee.
2. Agree to alter the lease agreement with Tweed Valley Respite Service to include the bus garage formerly occupied by Tweed River Home Modification & Maintenance Association Inc. with a corresponding increase in lease fee.

FOR VOTE - Unanimous

O20 [EC-OC] NRCMA Coastal Floodplain & Acid Sulfate Soil Project 06/07 Part A Tweed Contract No. IS6-7-157A

O 223 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the grant of \$50,000 to undertake Floodplain Management works on the Tweed Floodplain be accepted and Council votes the expenditure.

FOR VOTE - Unanimous

O21 [EC-OC] Request for "In Kind" Support/Waive Fee

O 224 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. Declines the request to provide the Tweed Heads Civic Centre Auditorium free of charge to Rotary District 9640.

2. Declines the request by Tweed Gold Coast Family History and Heritage Association Inc. for free use of the Tweed Heads Civic Centre Auditorium on 12 and 13 August 2006.
3. Provides the Murwillumbah Civic Centre Auditorium to Wollumbin High School for the Public Education Awards ceremony free of charge on 20 September 2006.
4. Provides the use of the Murwillumbah Civic Centre Auditorium for the Banana Festival & Harvest Week Fashion Parade at not cost.
5. Provides a 50% reduction of the fee for the Tweed Theatre Company Inc for use of the Auditorium foyer at the Tweed Heads Civic Centre on 30 July 2006.
6. Confirms the provision of the Murwillumbah Civic Centre Auditorium free of charge to the Northern Rivers Writers' Centre for the Byron Bay Writers Festival School Program on 7 August 2006.
7. Provides the Tweed Heads Civic Centre Auditorium free of charge to the Far North Coast Disability Interagency for a school leavers' expo on 22 June 2006.
8. Declines the request from the entrant in the Queensland Cancer Fund "Nurse of the Year" Campaign for use of the Tweed Heads Civic Centre Auditorium as it does not comply with Council's Guidelines for fee reduction.
9. Agrees to provide the Tweed Heads Civic Centre Auditorium free of charge to the Christmas Day Celebration Lunch Committee for the provision of a Christmas Day lunch to the needy and lonely.

FOR VOTE - Unanimous

O22 [EC-OC] Security Services Agreement

O 225 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Accepts the quotation by Tweed Coast Protective Services for a contract period of 3 years with the contract being completed under the seal of Council.

2. Liaises with Tweed Coast Protective Services to ensure that an effective reporting method is utilised pursuant to clause 14.3(a) of the contract.

FOR VOTE - Unanimous

O 226 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

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

FOR VOTE - Unanimous

158 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the recommendations of the Operations Committee held 15 August 2006 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

159 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

160 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED this information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 1 **[SUB-CCDAC] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 25 May 2006**

161 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the:-

1. Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 15 May 2006 be received and noted; and
2. Director's recommendations be adopted as follows

3. Renaming the City of the Arts Space

That Council refers the recommendation

"That the building (currently named the City of the Arts Space) be suitably named as a Cultural Centre and offer the following name for approval

"Coolamon Cultural Centre" "

to the Executive Management Team for report on the long-term usage and naming back to Council.

FOR VOTE - Unanimous

- 2 **[SUB-TDAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 15 June 2006**

162 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:-

1. Minutes of the Disability Access Committee Meeting held Thursday 15 June 2006 be received and noted; and
2. Director's recommendations be adopted as follows

BUSINESS ARISING:

2. *Disability Access Budget*

That Council rollover the remainder of the Tweed Shire Council Disability Access Committee budget allocation to the next financial year and the Committee be advised that part of the funding should not be used for a prize.

GENERAL BUSINESS:

3. *Disability Parking Spaces - Wollumbin Street, Murwillumbah*

That the request for the provision of two disability parking spaces in Wollumbin Street, Murwillumbah, be referred to Council's Traffic Committee.

FOR VOTE - Unanimous

3 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 14 July 2006

163 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held 14 July 2006 be received and noted; and
2. Director's recommendations be adopted as follows
3. ***Wollumbin Festival 2006***

That Council supports the application for funding for Wollumbin Festival 2006.

FOR VOTE - Unanimous

4 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 20 July 2006

164 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held 20 July 2006 be received and noted; and
2. Director's recommendations be adopted as follows

Business Arising:

4. Rowlands Creek Road

Traffic - Speed Zones; R4800 Pt 2; DW1356483;

That R4-12 End Speed Restriction Sign be installed and supplemented with the G9-318 State Limit 100 Applies, Drive to Conditions Signage on Rowlands Creek Road.

Agenda Items:

2. Disability Parking, South Tweed Swimming Pool

DW1390219; 1403270 Car Parks - Tweed Heads; Disabled Matters; Parking Zones; Tweed Heads Indoor Pool

That 2 disabled parking spaces be installed for users of the South Tweed Swimming Pool near the entrance in agreement with the Manager Environment & Health.

3. McDonald Street, Tweed Heads

R3190 Pt1; DW1424751; Parking - Zones

That:-

- 1. 'No Stopping' signs be installed on McDonald Street to cover 10m from Kennedy Drive.*
 - 2. The double centre lines on McDonald be reduced in length to 10m*
-

4. Rainbow Ride Cycle Challenge

DW1422648; Bicycle Matters; Traffic - Control; Traffic - Safety

That permission be granted for the Rainbow Ride Cycle Challenge to be held on 23 September and that it be advertised accordingly subject to compliance with NSW Police requirements.

5. Murwillumbah Street (Main Street) Murwillumbah

R3640 Pt4; Parking Zones; Handicapped - Disabled Matters; DW1424998

That:-

- 1. The linemarking on Wollumbin Street outside the fire station be adjusted to increase the area for the disabled space to incorporate the existing pram ramp.*
-

2. *The disabled space between the Dental Surgery and Main Street Medical Centre be relocated 1 space east on the southern side of Main Street.*
-

6. *Banana Festival, 25 - 26 August 2006*
Road Closures - Temporary ; DW1426196

That the road closures on Sunday 20 August from 7:30 - 10:30am, Friday 25 August at 5:30pm - 10:00pm and Saturday 26 August at 11:30am - 3:00pm be agreed to subject to Council's standard conditions.

FOR VOTE - Unanimous

ORDERS OF THE DAY

5 [NOM] Tugun Bypass

165 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that:-

1. A. Council indicates its dissatisfaction to the Pacific Link Alliance that the compensatory habitat currently being offered does not provide land of a comparable nature to the 17 hectares of rare and endangered species of local, regional, State and National significance that will be lost forever and not be replaced under the proposed compensatory package.
- B. And therefore requests Pacific Link Alliance to have discussions with Tweed Shire Council representatives to seek a more satisfactory solution.
2. Tweed Shire Council staff bring forward a report which details the drainage management plan that deals with all water from the Gold Coast Airport and the C4 bypass which is proposed to be conveyed to the Cobaki Broadwater directly or indirectly and which sets out clearly the methods to be used to collect this water, monitor its quality and treatment to be used before it is discharged to the Cobaki Broadwater.

FOR VOTE - Unanimous

6 [NOM] Future Planning

166 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that with the benefit of hard data provided by the Tweed Valley Flood Model and the widely held scientific evidence that sea levels are rising, ice caps are melting, extreme weather events are becoming more prevalent and the earth's temperatures are elevating, I will move that:-

1. Serious consideration be given to putting in place a policy that all land zoned to allow for future urban expansion be above the maximum probably flood height.
2. Consideration be also given to the desirability of locating all future developments such as nursing homes, retirement villages, private hospitals and other developments which provide services and accommodation for frail, infirm and aged people be above the maximum flood height.
3. The placement of essential and emergency services such as police stations, ambulance stations, SES headquarters, power sub-stations, emergency accommodation etc be also carefully considered in terms of policies covering these instrumentalities.

FOR VOTE - Unanimous

QUESTION TIME

Nil.

167 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] Illegal Agricultural Activities at Lots 26C & 26D in DP 10715, Chinderah Road, Cudgen

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 56 COUNCIL DECISION:

That if a satisfactory response is not received from the owner, then Council commences Class 4 Proceedings in relation to unauthorised works and an unauthorised activity associated with agriculture on Lots 26C and 26D DP 10715, Cudgen Road, Cudgen, including the appointment of any consultants necessary to confirm the environmental impacts from the unauthorised activities.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

2 [GC-CM] Provision of Legal Services

DECLARATION OF INTEREST

Administrator Boyd declared an Interest in this item, and took no part in the discussion or voting. The nature of the interest is that Administrator Boyd is a client of one of the tenderers.

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 57 COUNCIL DECISION:

That:-

1. Council appoints three legal service providers to a panel for each category:
 - Category 1 - Planning, Environmental and Local Government Law, Council appoints to this panel:

Abbott Tout Lawyers
Marsdens Law Group
Stacks Northern Rivers
 - Category 2 - Commercial / Property Law, Council appoints to this panel:

Maddocks
Marsdens Law Group
Stacks Northern Rivers
2. Executes all necessary documentation under the Common Seal of Council.

***VOTE FOR - Administrator Willan, Administrator Turnbull
DID NOT VOTE - Administrator Boyd***

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

3 [EO-CM] Sale of 41 Boyd Street, Tweed Heads

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) 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 58 COUNCIL DECISION:

That Council:-

1. Enters into negotiations with John and Ann McNamara for a joint sale by public tender of both 41 and 43 Boyd Street, Tweed Heads;

2. Enters into an agreement detailing the joint venture where the General Manager has delegated authority to negotiate a range of acceptable tender amounts to effect the sale of 41 Boyd Street, Tweed Heads; and
3. Approves that the procedure for the disposal of the land falls within "special circumstances" pursuant to Council's Disposal of Land Policy;
4. Executes all necessary documentation under Common Seal of Council.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4 [EC-CM] Extension of Lease - Kingscliff Pool

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 59 COUNCIL DECISION:

That Council agrees to extend the lease agreement with Mr Greg Salter for the Kingscliff Pool until 31 March 2007.

FOR VOTE - Unanimous

168 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that the report and recommendations of the Confidential Committee of the Whole be adopted.

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.55pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman