

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Garry Payne, (Chairman), Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Regulation), Mr Don Buckley (Director Community & Natural Resources), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

ABORIGINAL STATEMENT

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Andrew Brown:

*"... the rising sun will come to us from heaven,
To shine on those living in darkness and in the shadow of death,
To guide our feet into the path of peace."*

Luke 1:78b-79

Father, in this Christmas season we remember that our Light has come: that the birth of Jesus has illuminated the world. Let us now live and decide the issues of life here as those who live in the light, alert and understanding our world aright. May there be no action nor any hidden motive here this afternoon that offends you, but only what you find true and pleasing.

In the name of the unconquered Son,

Amen.



CONFIRMATION OF MINUTES

Minutes of the Ordinary & Confidential Council Meeting held Tuesday 4 December 2007

197 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday, 4 December 2007 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

PLANNING COMMITTEE

198 COUNCIL DECISION:

Administrator Payne
Administrator Boyd

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

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

- P1 [PR-PC] Review of Determination of Development Application DA07/0358 for Dwelling Additions & Alterations at Lot 100 DP 229328, No. 37 Elanora Avenue, Pottsville**

P 118 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. The Review of Determination of Development Application DA07/0358 for dwelling alterations and additions at Lot 100 DP 229328, No 37 Elanora Avenue, Pottsville 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. Landscaping is to be provided to the western side of the dwelling to assist with breaking up the scale and appearance of the three (3) storey portion of the dwelling. Landscaping is to be of an advance nature with sufficient height to provide screening to the subfloor area of the dwelling.
[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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]

PRIOR TO COMMENCEMENT OF WORK

5. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
6. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
7. 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. 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.

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

[PCW0985]

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

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

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 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]

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 building 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 construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[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 Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land 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 neighbourhood, adjacent premises or 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]

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. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

25. 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]

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]

29. 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:-

- * 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]

31. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

32. 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]

33. 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

34. The building is to be used for single dwelling purposes only.

[USE0505]

35. Bushfire asset protection zones are to be maintained around the house site at all times to the satisfaction of the NSW Rural Fire Service.

[USE0575]

RURAL FIRE SERVICE CONDITIONS

1. At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.
2. Water, electricity and gas are to comply with Section (4.1.3/4.2.3) of Planning for Bush Fire Protection 2006.
3. New construction proposed for the existing dwelling shall comply with Australian Standard AS3959-1999 'Construction of buildings in Bush Fire-prone areas' Level 3.
4. All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 metres of the habitable building shall be constructed from non combustible materials.
5. Roofing shall be gutterless or have leafless guttering and valleys which are to be screened with non corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
6. There is to be no exposed timber on the proposed structure.
7. All glazing towards the east shall be fire rated glass or toughened glass with non combustible shutters to be installed on all windows directly exposed to the bushfire hazard.
8. All future fencing shall be constructed from non-combustible materials.

9. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.
10. The existing dwelling that is not being modified is required to be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas where applicable and eaves.
11. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.
12. As the dwelling has been assessed under 79BA for residential purposes and not 100B for Special Protection Development (tourist facility) the building shall not be used as a tourist facility.

FOR VOTE - Unanimous

P2 [PR-PC] Section 96 Application DA05/0308.16 for an Amendment to Development Consent DA05/0308 for a Staged Residential Subdivision (3 Stages) Comprising 89 Single Dwelling Lots, 7 Duplex Blocks, 1 Drainage Reserve, 1 Residue Lot & 2 Public Reserves at Lo

P 119 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Section 96 Application DA05/0308.16 for an amendment to Development Consent DA05/0308 for a staged residential subdivision (3 stages) comprising 89 single dwelling lots, 7 duplex blocks, 1 drainage reserve, 1 residue lot & 2 public reserves at Lot 13 DP 793985; Lot B DP 368706; Lot 1 DP 392245, Barnby Street, Murwillumbah be approved subject to the following amendments to DA05/0308: -

Delete Condition 1A and replace with 1B as follows which changes the first dot point to replace with latest staging plan

- 1B. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos: -
 - Drawing 20399 (G) prepared by Brown & Haan Surveying dated 3.8.2007 – amended to indicate Lots 234 and 235 to be included in Stage 1, and to reference the western end of Rous River Way as “TRCP link road – to be dedicated to Council as part of Stage 1” only”;
 - Drawing Number 7214/6/1 DA Figure 4 Revision E prepared by Cardno MBK and dated May 2006;
 - Drawing Number 7214/06/1 DA Figure 10 Revision B prepared by Cardno MBK and dated August 2004;

- Drawing Number 7214/06 DA Figure 13 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 14 Revision A prepared by Cardno MBK and dated November 2003;
- Drawing Number 7214/06/01 DA Figure 17 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 18 Revision B prepared by Cardno MBK and dated August 2004;

except where varied by the conditions of this consent.

[GEN0005]

Delete Condition 22A and replace with 22B as follows:

22B. Prior to the issue of a Subdivision Certificate for Stage 1, the road connection to Joshua Street must be completed. This includes the dedication of the required road reserve at no cost to Council.

This section of road is included in Council's "Tweed Road Contribution Plan" (TRCP) as Item 12n.

Should the applicant wish to construct this section of road prior to Council undertaking the work, the applicant may apply for a credit of the applicable construction costs against the relevant TRCP component of the Section 94 contributions. The maximum value of the credit available is as per the Works Schedule of the TRCP. If the value of the credits exceed the value of the TRCP contribution payable for this development as specified in Condition 106A of this consent, then the applicant can request a carry over credit (on the TRCP component of the Sec.94 charges) to another development within the same TRCP sector of Tweed Shire. The credit granted will be determined by Council based on a detailed cost schedule provided by the developer and other costing data held by Council.

Note that the Sec.94 credit only applies if the road is built to its final form, and detailed design plans must be submitted to and approved by Council prior to construction commencing.

The applicant may seek to construct and dedicate this section of road as a temporary road, but separate approval of Council will be required, and this may affect the value of any TRCP credit, and will affect the timing of the availability of any credit granted.

Such a proposal could be accepted as a temporary measure - only until further development and/or a rezoning proposal is submitted over the residual portion of the site. The design of this road must cater for its use as a bus route, make provision for a cycleway, and provide traffic calming measures to ensure traffic speeds reflect the 50 kph speed limit."

Delete Condition 24 and replace with Condition 24A as follows:

24A Prior to the issue of a Subdivision Certificate for Stage 1, the applicant is required to establish a dedicated road link from Joshua Street to the Stage 1 lots. This will require construction of the TRCP road link to Joshua Street (as nominated elsewhere in this consent), full road construction of Road 2 fronting the reserves (as nominated elsewhere in this consent), as well as construction of relevant sections of Road 1 and/or Road 3.

Delete Condition 25A

Delete Condition 28 and replace with Condition 28A as follows:

28A. Road 2 (Rous River Way) shall be fully constructed to urban road standards and dedicated accordingly, for the full frontage of the Drainage Reserve, both Public Reserves and the sewer pump station, as part of the Stage 1 works.

Delete Condition 29

Delete Condition 30A and replace with Condition 30B as follows:

30B. The section of Road 3 between Road 2 and Lot 217, when constructed, shall be built to full urban standards and dedicated as public road.

Delete Condition 31 and replace with Condition 31B as follows:

31B. The Stage 2 construction of Road 5 is to terminate at the northern boundary of Lot 228, and will require the provision of a temporary sealed turning bulb area, covered by a Right-of-Carriageway.

Delete Condition 33 and replace with Condition 33A as follows:

33A. Lot 235 (public reserve) shall be filled to a minimum of RL 4.1m AHD, and constructed as part of the Stage 1 works.

Delete Condition 42 and replace with Condition 42A as follows:

42A. The developer shall embellish the public reserve (Lot 235) and drainage reserve according to the approved landscaping plan. The public reserve shall be filled and levelled with a suitably established grass cover. Further embellishment of the public reserve shall not occur until 30% of the allotments have been occupied. Alternatively, the developer may pay the appropriate financial contribution and Council will undertake the further embellishment works at the appropriate time.

Delete Condition 44 and replace with Condition 44A as follows:

44A. Public Reserves, the sewer pump station site and Drainage Reserve shall be constructed and dedicated as part of the Stage 1 works.

Delete Condition 49

Delete Condition 49A and replace with Condition 49B as follows:

49B. Prior to issue of a Construction Certificate the applicant is to provide evidence to Council that Lot 115 can achieve a 20m Inner Protection Area while still accommodating a dual occupancy. Failure to satisfy this condition will result in Lot 115 not being a nominated dual occupancy allotment.

[PCCNS02]

Delete Condition 105A and replace with Condition 105B as follows:

105BA 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 Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision 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 (41 RESIDENTIAL LOTS)

Water DSP2:	37.4 ET @ \$9997	\$373,888
Sewer Murwillumbah:	38 ET @ \$4804	\$182,552

STAGE 2 (33 RESIDENTIAL LOTS)

Water DSP2:	33 ET @ \$9997	\$329,901
Sewer Murwillumbah:	33 ET @ \$4804	\$158,532

STAGE 3 (22 RESIDENTIAL LOTS)

Water DSP2:	22 ET @ \$9997	\$219,934
Sewer Murwillumbah:	22 ET @ \$4804	\$105,688

These charges are valid for the date of issue of S96 DA05/0308.16 only 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]

Delete Condition 106A and replace with Condition 106B as follows:

106B. Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

These charges are valid for the date of issue of S96 DA05/0308.16 only and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of 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:	\$261,820
S94 Plan No. 4 (Version 4.0)	
Sector9_4	
(b) Open Space (Structured):	\$29,640
S94 Plan No. 5	
(c) Street Trees:	\$11,286.00
S94 Plan No. 6	
(d) Shirewide Library Facilities:	\$26,144
S94 Plan No. 11	
(e) Bus Shelters:	\$988
S94 Plan No. 12	
(f) Eviron Cemetery/Crematorium Facilities:	\$4,978
S94 Plan No. 13	
(g) Emergency Facilities (Surf Lifesaving)	\$7,600
S94 Plan No. 16	
(h) Extensions to Council Administration Offices & Technical Support Facilities	\$75,878.40

S94 Plan No. 18	
(i) Cycleways	\$13,376
S94 Plan No. 22	
(j) Regional Open Space (Structured)	\$88,426
S94 Plan No. 26	
(k) Regional Open Space (Casual)	\$32,490
S94 Plan No. 26	

STAGE 2

(a) Tweed Road Contribution Plan:	\$227,370
S94 Plan No. 4 (Version 4.0)	
Sector9_4	
(b) Open Space (Structured):	\$25,740
S94 Plan No. 5	
(c) Street Trees:	\$9,801.00
S94 Plan No. 6	
(d) Shirewide Library Facilities:	\$22,704
S94 Plan No. 11	
(e) Bus Shelters:	\$858
S94 Plan No. 12	
(f) Eviron Cemetery/Crematorium Facilities:	\$4,323
S94 Plan No. 13	
(g) Emergency Facilities (Surf Lifesaving)	\$6,600
S94 Plan No. 16	
(h) Extensions to Council Administration Offices & Technical Support Facilities	\$65,894.40
S94 Plan No. 18	
(i) Cycleways	\$11,616
S94 Plan No. 22	
(j) Regional Open Space (Structured)	\$76,791
S94 Plan No. 26	

(k) Regional Open Space (Casual) S94 Plan No. 26	\$28,215
<u>STAGE 3</u>	
(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4	\$151,580
(b) Open Space (Structured): S94 Plan No. 5	\$17,160
(c) Street Trees: S94 Plan No. 6	\$6,534.00
(d) Shirewide Library Facilities: S94 Plan No. 11	\$15,136
(e) Bus Shelters: S94 Plan No. 12	\$572
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$2,882
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$4,400
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$43,929.60
(i) Cycleways S94 Plan No. 22	\$7,744
(j) Regional Open Space (Structured) S94 Plan No. 26	\$51,194
(k) Regional Open Space (Casual) S94 Plan No. 26	\$18,810

[PCC0215/PSC0175]

Delete Condition 108 and replace with Condition 108A as follows:

108A. Pursuant to the provisions of S94 Plan No.5 proposed lot 235 shall be dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan.

Where a developer pays Council to complete the embellishment, Council will NOT install the equipment until a minimum of 30% of all lots in the development are occupied. Suitable embellishment shall be completed prior to the issue of a Subdivision Certificate.

[PSC0195]

Delete RFS Condition No. 3 and replace with RFS Condition 3A as follows:

3A. Where achievable there shall be a minimum of 20 metres from future dwellings on Lots 112-119 (previously shown on plan as 115-122) to the reserve to the south west which shall be maintained as an Inner Protection Area (IPA) as outlined within Section 4.2.2(b) in Planning for Bushfire Protection 2001. If it is demonstrated that 20 metres is not achievable within the property boundaries, the RFS will consider the provision of a 15 metre IPA and a 1.8 metre high radiant heat shield. These lots shall not be duplex blocks unless the minimum 20 metres IPA can be provided. This is in recognition of the current management of the reserve and the limited extent of vegetation within the reserve.

FOR VOTE - Unanimous

P3 [PR-PC] Development Application DA06/1383 for a Tourist Accommodation at Lot 1 DP 1043885, Carool Road, Carool

P 120 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA06/1383 for a tourist accommodation at Lot 1 DP 1043885, Carool Road, Carool be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within twelve (12) months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

- A. All outstanding contributions relating to Development Consent Nos. DA02/0820 and Stage 1 of K99/1450 are to be paid in full.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos. 30027-S96-4 prepared by McLauchlan Surveying (Rev. C) and dated 29/03/05, Sheet Nos. 2-3 of Plan No.1009C, prepared by Parameter Designs and dated 05/10/07 and Sheet No.1 of Plan No.251B prepared by Parameter Designs and dated 07/12/2000 except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

4. The Pesticide Management Plan as outlined in Appendix 6 of the Site Contamination Investigation (Soil Sampling) and Pesticide Management Plan for Penny Ridge Resort, 363 Carool Rd, Carool prepared by HMC Environmental Consulting Pty Ltd dated September 2007 (Report: 2007.062a) shall be implemented prior to the occupation of the bungalows.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. The developer shall provide 12 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

The parking spaces are to be provided in excess of any other approval issued by Council.

Full design detail of the proposed parking and manoeuvring areas including associated storm water measures and integrated landscaping shall be submitted to and approved by Council prior to the issue of a construction certificate.

[PCC0065]

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: | \$25,459 |
| S94 Plan No. 4 (Version 4.0) | |
| Sector12a_4 | |

[PCC0215]

7. 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]

8. 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]

9. 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) Surcharge 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 **OTHER THAN ROOF WATER** 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]
10. 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]
11. 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]
12. Prior to the issue of a construction certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the On-Site Sewage Management Strategy for Master Plan at Penny Ridge Resort, Lot 1 DP 1043885, 363 Carool Rd, Carool prepared by HMC Environmental Consulting Pty Ltd dated June 2007 (Report: 2007.062) including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or delegate.

[PCC1285]

PRIOR TO COMMENCEMENT OF WORK

13. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

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. 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]

17. 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]

18. 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]

19. Civil work in accordance with a development consent must not be commenced until:-

- (a) a construction certificate for the civil work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
 - B1: Accredited Certifier – Subdivision certificate
 - C3: Accredited Certifier – Stormwater Management and facilities design compliance
 - C4: Accredited Certifier – Stormwater management facilities construction compliance
 - C5: Subdivision works and building works (location of works as constructed) compliance
 - C6: Accredited Certifier – Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, and

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

[PCW0815]

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

[PCW0955]

21. 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.

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

[PCW0985]

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

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

24. 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]

25. 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]
26. 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]
27. 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]
28. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- [DUR0415]
29. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR0445]
30. 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]
31. 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]
32. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual 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]
33. 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]
-

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

[DUR2205]

35. Rainwater must be disposed of to absorption/distribution trenches, positioned and constructed no closer than 3m to any building and below any effluent disposal area; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2275]

36. 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]

37. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

[DUR2385]

38. 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]

39. 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]

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

[DUR2515]

41. 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]

42. 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]

43. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

44. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system is to be fitted with a first flush device. Minimum storage tank capacity shall reflect the dry seasonal periods experienced with the locality and shall be separate to any fire fighting requirements stipulated by the NSW Rural Fire Services.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

45. 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]

46. 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]

47. 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]

48. 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]

49. 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

50. 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, odours or the like.

[USE0125]

51. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

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

[USE0235]

53. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

54. Water supplied to the bungalows shall be of a potable quality standard acceptable to Council's General Manager or delegate. Such supply shall be tested at an interval not exceeding every six months at a NATA registered testing laboratory and a test report is to be submitted to Council's General Manager or delegate immediately (within the same 24 hour period) following each sample test.

Such supply is to be considered potable if the quality of drinking water complies with the provisions of the current National Health and Medical Research Council's Australian Drinking Water Guidelines.

55. A monitoring program for the drinking water supply to the bungalows is to be developed and placed in operation prior to the bungalows being occupied. Such monitoring program shall comply with the section entitled "Monitoring" as contained with the current National Health and Medical Research Council's Australian Drinking Water Guidelines, and included in the finalisation and adoption of emergency responses, reporting and accountability programs.

56. A comprehensive water quality analysis report including physical, chemical and bacteriological water quality parameters agreed upon by Council's General Manager or delegate is to be submitted to Council every six (6) months

57. Potable water supply for the bungalows shall be connected to the UV controlled Packaged Water Treatment Plant either when it becomes available or immediately following the completion of either the main winery building or 16 x 2 bedroom units.

58. Adequate measures are to be provided and effectively maintained so as to prevent contamination of the water supply provided to the bungalows for consumption and use.

[USENS01]

59. The proposed development shall not gain access from or use the adjoining crown road reserve.

[USENS02]

FOR VOTE - Unanimous

P4 [PR-PC] Development Application DA07/0955 for the erection of a twelve storey multi dwelling building comprised of 59 residential units at Lot 25, 24, 23, 22 DP 21234 at 7 & 9 Angela Street and 46 & 48 Thomson Street Tweed Heads

P 121 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Development Application DA07/0955 for the erection of a twelve storey multi dwelling building comprised of 59 residential units at Lot 25, 24, 23, 22 DP 21234 at 7 & 9 Angela Street and 46 & 48 Thomson Street, Tweed Heads be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

1. Provide evidence that the signed Transfer Releasing Easement Form 01TR is registered with Land and Property Information NSW, to extinguish the pipeline easement burdening Lot 25 DP 21234, and benefiting former Lot 8 DP 23888, now part of Strata Plan No. 73511.
2. The applicant shall surrender the consent previously issued over the site for Development Application DA05/0607 - ten storey multi dwelling residential development comprising of 26 units.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, Plans prepared by R.H. Frankland & Associates indicated in the table below and the Pre-Demolition Underslab Soil Contamination Report for Lot 22 DP 21234 cnr Thomson and Angela Streets, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd, dated September 2007 (Report: HMC2007.103), except where varied by the conditions of this consent.

Title	Sheet No.	Rev	Date
Basement Level 1	TP01	C	06.11.07
Basement Level 2	TP02	D	13.11.07
Basement Level 3	TP03	E	13.11.07
Site & Ground Floor Plan	TP04	D	05.11.07
First Floor Plan	TP05	B	06.11.07
Second Floor Plan	TP06	B	06.11.07
Third Floor Plan	TP07	B	06.11.07
Fourth Floor Plan	TP08	B	06.11.07
Fifth Floor Plan	TP09	B	06.11.07
Sixth Floor Plan	TP10	B	06.11.07
Seventh Floor Plan	TP11	B	06.11.07
Eight Floor Plan	TP12	B	06.11.07
Ninth Floor Plan	TP13	B	06.11.07
Roof Top	TP14	B	06.11.07
Elevations	TP15	C	05.11.07
Sun Study	TP16	B	05.11.07
Sun Study	TP16A	C	13.11.07
Landscape Calculations	TP17	A	13.11.07

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. Prior to commencement of work, a construction certificate shall be obtained for the works proposed by this consent.

[GEN0185]

-
5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]
 6. Fencing shall not be constructed around the site's frontages.
[GENNS01]
 7. The height of the building, including any roof structures, aerials, architectural feature, shall not exceed RL46.16m AHD.
 8. Approval is required from the Gold Coast Airport Pty Ltd, 5 days prior to any proposed temporary penetration of the obstacle limitation surface (RL49.5 metres AHD) for Gold Coast Airport by construction cranes (etc.).
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. The developer shall provide the following parking facilities including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.
 - A minimum of 89 car parking spaces for residence,
 - A minimum of 15 visitor car spaces with unrestricted access,
 - A minimum of 3 car wash bay,
 - Storage for a minimum of 59 bicycles.

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.

The access and basement car park must be designed accordingly to provide sufficient height clearance to allow appropriate vehicles to access the basement stormwater treatment device.

[PCC0065]

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)
Sector1_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 | \$109,247 |
| (b) | Open Space (Structured):
S94 Plan No. 5 | \$24,178 |
| (c) | Open Space (Casual):
S94 Plan No. 5 | \$5,167 |
| (d) | Shirewide Library Facilities:
S94 Plan No. 11 | \$21,337 |
| (e) | Bus Shelters:
S94 Plan No. 12 | \$754 |
| (f) | Eviron Cemetery/Crematorium Facilities:
S94 Plan No. 13 | \$4,287 |
| (g) | Emergency Facilities (Surf Lifesaving)
S94 Plan No. 16 | \$6,212 |
| (h) | Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$61,896.01 |
| (i) | Cycleways
S94 Plan No. 22 | \$10,904 |

(j) Regional Open Space (Structured) S94 Plan No. 26	\$72,107
(k) Regional Open Space (Casual) S94 Plan No. 26	\$26,503
(l) Tweed Heads Master Plan: S94 Plan No. 27	\$61,773.00

[PCC0215/PSC0175]

11. Section 94 Contributions

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

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

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. 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

13000 cubic metres of spoil have been anticipated to be removed.

[PCC0225]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "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:	35.31 ET @ \$9997	\$352,994
Sewer Banora:	36.5 ET @ \$4804	\$175,346

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]

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

[PCC0285]

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

[PCC0465]

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

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

[PCC0485]

16. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. The landscaping plan shall be generally in accordance with the 'Statement of Landscape Intent' prepared by Kershaw Design, Sheet 2013 LC 01, Revision A, dated 06.06.2007 with the following modifications and additions:
- a) Proposed and existing site services, including water, gas, electricity, sewer, stormwater, etc.
 - b) Easements on or adjacent to the site.
 - c) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.
 - d) Alterations and additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.
 - e) Existing and proposed ground levels (*shown as spot heights and/or contours over the site*); showing the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
 - f) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
 - g) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.
 - h) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
 - i) A detailed plant schedule and plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and any existing planting to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;
 - species listed by botanical and common names, with the majority of plants constituting local native species;
 - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.

- maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

[PCC0585]

17. 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 2 vehicular accesses off Angela Street in accordance with Council's "Access to Property" pamphlet, consolidated Tweed DCP and Development Design and Construction Specifications

Both accesses shall provide the required 2m x 2m "sight triangle" envelopes.

- (b) Construction of a 1.2m wide concrete footpath along the entire frontage of the site to Thomson Street and Angela Street.

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]

18. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

19. 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]

20. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

[PCC0955]

21. 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 shall be installed prior to any earthworks being undertaken.
 - (ii) Runoff from the undercover basement and driveways must be treated to remove oil and sediment pollutants prior to discharge to the public realm. The basement oil/grit arrestor shall be sized in accordance with Section D7.12 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (iii) Roof water does not require treatment and should be discharged downstream of treatment devices.

[PCC1105]

22. 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]

23. 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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

24. 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]

25. (a) 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. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook"* 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. Details are to be submitted with the construction certificate application.

- (b) The provision of an OSD system described in Part (a) is not required if the underground piped drainage system in Pearl Street is extended to the development's Angela Street frontage, with all site stormwater discharged directly to this system via a kerb inlet pit. Full engineering details of the stormwater extension must be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate. Design calculations must demonstrate that the drainage extension and the receiving infrastructure can accept runoff from the development site in events up to the ARI 5 year design storm.

[PCC1165]

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

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

[PCC1185]

27. Prior to the issue of a Construction Certificate, an application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any of the following works including (but not limited to);
- a. water,
 - b. sewerage, including;
 - the removal of unused sewer mains and new connections,
 - the car wash bay, which must be bunded and treated to remove pollutants prior to discharge in accordance with Council policy. If levels permit, discharge must be via the sewer network.
 - c. drainage works, including;
 - the connection of a private stormwater drain to a public stormwater drain,
 - the installation of stormwater quality control devices,
 - erosion and sediment control works.

[PCC1195]

28. 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]

29. 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]

30. The legal point of discharge for piped stormwater from the site is via direct connection into the existing kerb and gutter of Angela Street or Thomson Street, along the frontage of the site. Full engineering details of this connection shall be submitted with the s68 Stormwater Application for approval, prior to the issue of a Construction Certificate.

[PCCSN01]

31. Prior to the Construction Certificate being issued, a hydrogeological investigation report is to be carried out and submitted to Council for approval that identifies the groundwater elevation and gradient on the project site and its relationship with any identified acid sulfate soil within the adjoining floodplain. Potential zone of influence and drawdown associated with any dewatering operations is to be determined.

32. If groundwater is likely to or will be intercepted during activities associated with the proposed development then a detailed groundwater quality assessment that includes the parameters as follows is to be undertaken: pH, electrical conductivity, dissolved oxygen, temperature, dissolved iron, turbidity, chloride, sulphate, chloride:sulfate ratio, aluminium, total acidity and total alkalinity. This information in addition to proposed monitoring, treatment and discharge requirements must then be incorporated within the Dewatering Management Plan to be submitted to Council for approval by the General Manager or his delegate, prior to issue of the Construction Certificate.
33. Prior to release of the Construction Certificate, a Dewatering Management Plan shall be submitted to Council for approval by the General Manager or his delegate, that includes written confirmation from Australian Dewatering Systems that the proposed method of treatment as outlined in the Erosion and Sediment Control Plan for Lots 22, 23, 24 & 25 DP 21234 prepared by Cozens Regan Williams Prove Pty Ltd dated 4 December 2007 (Job No: P.15.15) and the conditions of this consent can be achieved.

The Dewatering Management Plan shall include specific details of sampling, treatment and monitoring, the number of treatment tanks required, the location of such treatment tanks on the site (identified on a site plan), and a contingency component to cater for unforeseen problems related to the waters (odours, the need for additional holding times and/or treatment tanks etc).

34. Should dewatering operations impact or be likely to impact on acid sulfate soil, an Acid Sulfate Soil Management Plan shall be prepared in accordance with ASSMAC Guidelines and submitted to Council for approval by the General Manager or his delegate, prior to issue of the Construction Certificate.

[PCCNS02]

35. A revised site plan of the refuse areas shall be provided to the satisfaction of Council's Waste Management Coordinator prior to the Construction Certificate being issued. These plans must identify a minimum of fifteen (15) recycling wheelie bins and four (4) bulk bins.

[PCCNS03]

36. The applicant shall provide details demonstrating how the requirement for additional bus stop seats in accordance with Council's DCP Section A2 will be achieved.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

37. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

38. 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]

39. 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]
40. 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]
41. 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]

42. 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]

43. 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]

44. Prior to start of building works provide a certificate of adequacy of design, signed by a practising Structural Engineer on any proposed retaining wall in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

45. 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]
46. 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]

47. 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.

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

[PCW0985]

48. 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]

49. 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]

50. 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

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

[DUR0005]

52. 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]

53. 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]

54. 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's Authorised Officers deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

LAeq 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.

LAeq 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]

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 construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- [DUR0415]
60. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
 - (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- [DUR0425]
61. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR0445]
62. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.
- [DUR0645]
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. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
[DUR0795]
65. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house or building is strictly prohibited.
[DUR0815]
66. 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]
67. Provision to be made for the designation of 3 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 be treated prior to discharge into the sewer network.
[DUR0975]
68. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
[DUR0985]
69. 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 an Occupation Certificate.
[DUR0995]
70. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or 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]
71. 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]
72. A concrete ribbon footpath 1.2 metres wide is to be constructed on a compacted base along the entire frontage of the site to Thomson Street and Angela Street in accordance with Councils Development Design and Construction Specifications.

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.

[DUR1735]

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

[DUR1795]

74. 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]

75. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the building.

[DUR1875]

76. 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]

77. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

78. 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. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.

[DUR1955]

79. 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]

80. 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]

81. 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 pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

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

[DUR2085]

83. The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2135]

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. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

86. Appropriate measures are to be put in place during the construction and/or demolition 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]

87. 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/L. 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]

88. 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]

89. 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]

90. 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]

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

[DUR2505]

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

[DUR2515]

93. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

94. 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]

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

[DUR2625]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

96. 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]

97. 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]

98. 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]

99. 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]

100. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building.

[POC0245]

101. 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]

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

[POC0745]

103. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

104. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure.

[POC0805]

105. 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]

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. 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]

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

[POC1055]

109. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the registration of a minimum 3m wide easement for drainage of sewer, centrally located over the reticulated sewer within the subject property. The easement shall be created in favour of Council.

No permanent structures are permitted within the easement.

[POCSN01]

USE

110. 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, odours or the like.

[USE0125]

111. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

112. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

113. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

114. 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]

115. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE1305]

116. All bulk waste collection activities shall occur within the property boundary.

[USE1345]

FOR VOTE - Unanimous

P5 [PR-PC] Development Application DA07/0681 for Multi-Dwelling Housing Comprising Twenty Five (25) Dwellings in Two Stages at Lot 924 DP 1101845, No. 3-15 Lennox Circuit, Pottsville

P 122 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA07/0681 for multi dwelling housing comprising twenty five (25) dwellings in two stages at Lot 924 DP 1101845, No. 3-15 Lennox Circuit Pottsville be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, plans prepared by R.H Frankland & Associates indicated in the table below and indicative colour schemes submitted with Planit Consulting correspondence dated 23 October 2007, except where varied by the conditions of this consent.

Plan Title	Sheet No.	Revision	Date
Site Plan	TP01	E	30.11.07
Fence Plan	TP13A	A	03.12.07
Streetscape Details	TP13	C	03.12.07
Residence Byron A - Floor Plan	TP02	A	-
Residence Byron A - Elevations	TP02/1	A	-
Residence Byron B- Floor Plans	TP03	A	-
Residence Byron B – Elevations	TP03/1	A	-

Residence Byron C – Floor Plans	TP04	A	-
Residence Byron C – Elevations	P04/1	A	-
Residence Cabarita A – Floor Plans	TP05	A	-
Residence Cabarita A – Elevations	TP05/1	A	-
Residence Cabarita B – Floor Plans	TP06	A	-
Residence Cabarita B – Elevations	TP06/1	A	-
Residence Cabarita C – Floor Plans	TP07	A	-
Residence Cabarita C – Elevations	TP07 / 1	A	-
Residence Byron D (Duplex) Floor Plans	TP08	A	-
Residence Byron D (Duplex) Elevations 1	TP09	A	-
Residence Byron D (Duplex) – Elevations 2	TP09/1	A	-
Residence Cabarita C (Duplex) – Ground Floor	TP10	A	-
Residence Cabarita C (Duplex) – First Floor	TP11	A	-
Residence Cabarita C (Duplex) – Elevations 1	TP12	A	-
Residence Cabarita C (Duplex) – Elevations 2	TP12/1	A	-

[GEN0005]

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

[GEN0115]

- 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]

- All water sensitive design facilities designated in the approved Water Management Plan (WMP) shall be installed in accordance with relevant standards and specifications. The landholder shall operate and maintain in perpetuity all water sensitive design facilities designated in the WMP. This includes retaining in perpetuity the minimum permeable site area and deep planting areas for natural infiltration of stormwater, as specified by Clause 2.2.1(ii) of Tweed Shire Council Development Control Part A14 - Cut and Fill on Residential Land.

[GEN0175]

- Structures proposed/identified within/over the easements on the land are not approved and are to be located external to the easement.

[GEN0255]

- The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

- All conditions are applicable to both stage 1 and stage 2.

[GENNS01]

8. Adequate pedestrian access and entry is provided to the site from Lennox Circuit adjacent to the main vehicle access into the site.

[GENNS02]

9. Front and return fencing shall comply with the following:

- Have a maximum height of 1.5 metres;
- The maximum height of any solid component shall be 600mm,
- Non-solid fences and fences above the solid wall shall have a minimum openness ratio of 60%.
- Return fences are to be the same height as front fencing;
- No colour bond or timber paling shall be used for front fences or return fences; and
- Shall incorporate landscaping to enhance the residential qualities of the street.

Note: Return fences occur between the front fence and the front boundary.

[GENNS03]

10. Pedestrian entry gates proposed to dwellings adjacent to Lennox Circuit and Newcastle Drive shall be clearly legible as viewed from the street through variation in height and / or use of different materials and colours which are compatible with the design theme of the fencing.

[GENNS04]

11. Separate approval for works within the adjoining community land is to be sought from the General Manager and / or his delegate, prior to the creation of an opening within the existing boundary fence, removal of landscaping or construction of footpaths. Any application for the proposed works shall include the provision of a Management Plan for the community land and details on proposed alterations to fencing, landscaping, additional footpath and park embellishments.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. The developer shall provide 7 visitor parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0065]

13. 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, be accompanied by the required attachments and prescribed fee.

Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

14. 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: \$79,716

S94 Plan No. 4 (Version 4.0)

Sector8a_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)

$\text{\$Unit}$ 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

(b) Shirewide Library Facilities:	\$5,162
S94 Plan No. 11	
(c) Bus Shelters:	\$182
S94 Plan No. 12	
(c) Eviron Cemetery/Crematorium Facilities:	\$1,039
S94 Plan No. 13	
(d) Community Facilities (Tweed Coast - South)	\$7,008
S94 Plan No. 15	
South Coast	
(e) Emergency Facilities (Surf Lifesaving)	\$1,503
S94 Plan No. 16	
(f) Extensions to Council Administration Offices & Technical Support Facilities	\$14,964.42
S94 Plan No. 18	
(g) Cycleways	\$5,398
S94 Plan No. 22	
(h) Regional Open Space (Structured)	\$17,445
S94 Plan No. 26	
(i) Regional Open Space (Casual)	\$6,412
S94 Plan No. 26	

Stage 2

(a) Tweed Road Contribution Plan:	\$79,716
S94 Plan No. 4 (Version 4.0)	
Sector8a_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)	Shirewide Library Facilities: S94 Plan No. 11	\$5,400
(c)	Bus Shelters: S94 Plan No. 12	\$192
(d)	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,080
(e)	Community Facilities (Tweed Coast - South) S94 Plan No. 15 South Coast	\$7,008
(f)	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,572
(g)	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$15,656.51
(h)	Regional Open Space (Structured) S94 Plan No. 26	\$18,251
(i)	Regional Open Space (Casual) S94 Plan No. 26	\$6,708

[PCC0215/PSC0175]

15. 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 DSP6:	9.2 ET @ \$9997	\$91,972
Sewer Hastings Point:	12 ET @ \$4804	\$57,648

Stage 2

Water DSP6: 9.6 ET @ \$9997	\$95,971
Sewer Hastings Point: 12 ET @ \$4804	\$57,648

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]

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

[PCC0285]

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

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

[PCC0485]

18. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. The Landscaping Plan shall indicate proposed plant species, pot sizes and plant numbers. Plant species shall be native to the area.

[PCC0585]

19. 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 an access driveway in accordance with TSC DCP part A2 and AS2890.

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]

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*.
- (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]

21. 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) Surcharge 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 **OTHER THAN ROOF WATER** 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]
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. 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. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook"* 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. Details are to be submitted with the construction certificate application.
- [PCC1165]
24. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.
-

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

[PCC1185]

25. 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]

PRIOR TO COMMENCEMENT OF WORK

26. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]

32. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill nature of material, proposed use of material and confirmation further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

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

[PCW0375]

33. 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.

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

[PCW0985]

DURING CONSTRUCTION

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

[DUR0005]

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. 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]

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 construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
[DUR0415]
41. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
42. Provision of termite protection in accordance with the construction certificate approval.
[DUR0465]
43. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0815]
44. 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]
45. Provision to be made for the designation of three durable and pervious car wash-down areas. The areas must be identified for that specific purpose and be supplied with an adequate water supply for use within the areas. Any surface run-off from the area must not discharge directly to the stormwater system.
[DUR0975]
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 General Manager or his delegate.
[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 neighbourhood, adjacent premises or 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. 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]

50. The habitable floor area of the building is to be at a level not less than RL 3.0m AHD.

[DUR1435]

51. A survey certificate signed by a registered surveyor is to be submitted to the Principal Certifying Authority at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 3.0m AHD.

[DUR1445]

52. The concrete footpath is to be saw cut and removed to facilitate the construction of the concrete driveway access.

[DUR1745]

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

[DUR1795]

54. 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]

55. 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]

56. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.
- [DUR1925]
57. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
58. 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]
59. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
- [DUR2195]
60. Appropriate measures are to be put in place during the construction and/or demolition 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. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.
- [DUR2425]
62. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.
- [DUR2445]
63. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
64. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
[DUR2495]
65. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR2505]
66. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR2515]
67. 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]
68. 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]
69. 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]
70. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.
- Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole.
[DUR2655]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

71. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.
[POC0005]
72. 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. 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]

74. 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]

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

[POC0745]

76. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

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

[POC0985]

78. 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

79. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

80. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

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

[USE0735]

82. The keeping of dogs, cats or other animals on the property is to be in accordance with any relevant 88B Instrument requirements.

[USE1245]

FOR VOTE - Unanimous

P6 [PR-PC] Development Application DA07/0631 for a Telecommunications Facility including One (1) Monopole Structure with an Approximate Height of 21.3 Metres at Lot 10 DP 1014470, Casuarina Way, Casuarina

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

Ms Jenny Curnow
Dr Judith Hinwood
Mr Stephen Bullock

P 123 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Development Application DA07/0631 for a telecommunications facility including one (1) monopole structure with an approximate height of 21.3 metres at Lot 10 DP 1014470, Casuarina Way, Casuarina be deferred to allow the applicant to consider further alternative sites and appropriate resident consultation.

FOR VOTE - Unanimous

P7 [PR-PC] Draft Local Environmental Plan 2000 - Amendment No. 69 – Seabreeze Estate, Pottsville (Stage 2)

P 124 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:

1. Accepts the quote from LandPartners (\$121,616, incl GST) to complete Draft LEP Amendment No. 69 – Seabreeze Estate, Pottsville (Stage 2) and LandPartners be engaged to undertake the project when the relevant monies have been received from Metricon Pty Ltd.
2. Informs the applicant of Council's decision and requests that the total estimate including GST (\$121,616) to complete the draft Amendment be forwarded to Council.

FOR VOTE - Unanimous

P8 [PR-PC] Development Application DA06/1289 for a Tourist Accommodation Building Comprising 92 Apartments, Swimming Pool, On-Site Facilities & Basement Car Parking for 99 Vehicles at Lot 58 DP 1083567, Collins Lane, Casuarina

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

Dr John Hinwood
Ms Joni Tarantini
Mr Derek Herps
Mr Noel Tidmarsh
Mr Gordon Walker
Mr Tonu Aisatullin

P 125 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Development Application DA06/1289 for a tourist accommodation building comprising 92 apartments swimming pool on-site facilities & basement car parking for 99 vehicles at Lot 58 DP 1083567, Collins Lane, Casuarina be deferred to the meeting of 22 January 2008 to allow further discussion with Council officers to clarify the status of the proposed extension of Casuarina Way.

FOR VOTE - Unanimous

Tribute to the Director Planning & Regulation

Administrator Boyd paid tribute to the work of the Director Planning & Regulation, Mr Noel Hodges and wished him well on his retirement from Council.

Administrator Payne acknowledged Mr Hodges' contribution to the Shire and wished him well in his retirement.

199 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Planning Committee held Tuesday, 18 December 2007 be adopted.

FOR VOTE - Unanimous

200 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the meeting be suspended at 5.55pm for Community Access.

FOR VOTE - Unanimous

201 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the Council meeting be resumed.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

202 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

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

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

01 [GM-OC] Media Policy

O 330 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that Council adopts the Media Policy as presented in this report.

FOR VOTE - Unanimous

02 [TCS-OC] Revenue Collection Services

O 331 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that Council:-

1. Includes a surcharge of 0.5% in the fees and charges on all credit card payments made through Council's bill payment services effective from 1 February 2008.
2. Implements Bill Express as an additional payment option for Council's bill payment services.
3. Includes Bill Express on Council's Internet Gateway allowing clients to choose between PostBillPay and Bill Express for internet payments.

FOR VOTE - Unanimous

03 [TCS-OC] Monthly Investment Report for Period Ending 30 November 2007

O 332 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 November 2007 totalling \$119,764,439.74 be received and noted.

FOR VOTE - Unanimous

O4 [TCS-OC] Fees and Charges**O 333 COMMITTEE DECISION:**

Administrator Boyd
Administrator Payne

RECOMMENDED that the 2007/08 Stormwater Drainage Application fees as placed on public exhibition for 28 days be adopted without change as follows:-

2007/08 Stormwater Drainage Applications

• Application for approval to connect to private drain with public drain – per lot (includes inspection fee)	\$130
• Application for erosion and sediment control plan(calculated at \$18 per 1,000m ² of lot area)	Minimum \$54 Maximum \$2,700
• General inspection fee including inspection of previously installed stormwater control device or additional stormwater drainage inspections.	\$100

FOR VOTE - Unanimous

O5 [EO-OC] Climate Change Impacts on Flooding**O 334 COMMITTEE DECISION:**

Administrator Boyd
Administrator Payne

RECOMMENDED that:-

1. Subject to available funding, the current revision of the 2005 Tweed Valley Flood Study be expanded to include sensitivity modelling of climate change parameters (sea level rise and increased rainfall intensity) as recommended by the DECC Guideline and in accordance with the Floodplain Development Manual;
2. The results of this modelling be provided to the future consultant engaged to complete the Tweed Valley Floodplain Risk Management Study and Plan, and as a priority action instruct that consultant to undertake a review of flood planning levels adopted in the Tweed Valley Floodplain Risk Management Study Part 1 "Establish Appropriate Flood Planning Levels for Residential Development", in accordance with the DECC Guideline and the Floodplain Development Manual;
3. Climate change considerations be addressed in accordance with the DECC Guideline and the Floodplain Development Manual in the Coastal Creeks Flood Study, via minor variations to the issued technical brief.

FOR VOTE - Unanimous

O6 [EO-OC] Tweed Valley Floodplain Risk Management Study and Flood Risk Management Policy

O 335 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council adopts the Tweed Valley Floodplain Risk Management Study Part 3 - Habitable Land Use on the Floodplain with minor amendments as detailed in the attached report;
2. Council adopts the Tweed Shire Council Flood Risk Management Policy with minor amendments as detailed in the attached report;
3. The locality planning projects currently being prepared by Council and the Tweed Heads Masterplan review by Council and the Department of Planning take into account the strategic planning and development policies recommended by the Part 3 Study and implemented by the Tweed Shire Council Flood Risk Management Policy.

FOR VOTE - Unanimous

O7 [EO-OC] Extinguishment of Easement for Right of Carriageway - Pottsville

O 336 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the extinguishment of the Easement for Right of Carriageway eleventhly referred to in the section 88B instrument of DP 1115395 subject to the applicant meeting all survey, legal and conveyance costs; and
2. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O8 [EO-OC] Classification of Land as Operational, South Murwillumbah

O 337 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the transfer of proposed Lot 221, in the subdivision of Lot 10 in DP 1112178, Lot 103 in DP 1104102 and Lot 5 in DP 604326 for Drainage Reserve; and
2. Council approves the transfer of proposed Lot 226, in the subdivision of Lot 10 in DP 1112178, Lot 103 in DP 1104102 and Lot 5 in DP 604326 for Sewer Pump Station; and
3. Proposed Lots 221 and 226 be classified as "Operational" land pursuant to Section 31 of the Local Government Act, 1993; and
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O9 [EO-OC] EC2007-117 Supply and Laying of Asphaltic Concrete to Local Streets

O 338 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council awards contract EC2007-117 Supply and Laying of Asphaltic Concrete to Local Streets to Pioneer Road Services Pty Ltd for the Schedule of Rates tendered.
2. The Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract quantities.
3. All necessary documentation be executed under the Common Seal of Council.

4. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

FOR VOTE - Unanimous

O10 [CNR-OC] Council Officers to Provide Training to Community Committees 2007-2008

O 339 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the Community Development Officer develops a training schedule together with Council officers from relevant sections, to deliver to non-profit community committees.

FOR VOTE - Unanimous

O11 [CNR-OC] Funding Variation to Original Report to Council – Proposed Variation to Service Description Schedule (SDS)

O 340 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:

1. Accepts the variation of service specific 'outputs' and their related funding amounts, contained within the variation section of the DADHC Service Agreement (contract) for Tweed Community Options' case management.
2. Agrees to affix the Council seal to the DADHC Service Agreement and return both copies to DADHC.

FOR VOTE - Unanimous

O12 [CNR-OC] Request for "In Kind" Support/Waive Fee**O 341 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council, with reference to the request from Australian Academy of Tai Chi provides the Kingscliff Amenities Hall for a reduced fee of \$21.00 per hour being a discount of \$7.00 for the first hour and \$4.00 for each subsequent hour, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O13 [CNR-OC] Adoption of Tweed Coolangatta Safety Action Plan Review**O 342 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. Adopts the Tweed Coolangatta Community Safety Action Plan and implements the appropriate actions, and
2. Forwards the Plan to the NSW Attorney General for endorsement.

FOR VOTE - Unanimous

203 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Operations Committee held Tuesday 18 December 2007 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.



ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

Documents signed by Administrators since last Council meeting

204 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the report be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**1 [SUB-PTWG] Minutes of the Public Transport Working Group Extraordinary Meeting held Friday 30 November 2007**

File No: PUBLIC TRANSPORT COMMITTEE

205 COMMITTEE DECISION:**Administrator Boyd
Administrator Payne****RECOMMENDED** that the:-

1. Minutes of the Public Transport Working Group Committee Meeting held Friday, 30 November 2007 be received and noted; and
2. Director's recommendations be adopted as follows

1. Terms of Reference

That the Terms of Reference be amended to clarify the Public Transport Working Group's role as an advisory body to Council as follows:-

1. To promote the development of public transport and related infrastructure to include any publicly accessible facility or service for transport purposes, with particular emphasis on modes and practices with the least negative impacts upon the social and natural environment promoting accessibility.
2. To establish priorities for work of the group based on the outputs from public transport workshops and/or transport orientated activities.
3. To develop mechanisms for ongoing community consultation and needs assessment for public transport development in Tweed.
4. To occupy a linking role in Council and the community as a reference for public transport issues and public transport development issues.
5. To research and advise Council on public transport issues and strategies for improvements, implementation and review of practical policies and practises. To advise in Council planning processes and assist to develop a public transport improvement plan for Council which includes integration with land use planning and development.
6. To liaise:-
 - With government at all levels (federal, state, regional and local) to provide improvements to public transport and ensure adequate funding is being provided.
 - With industry to advance public transport improvement.

7. To promote:-
- An awareness of the importance of public transport.
 - Public transport improvement and development.

FOR VOTE - Unanimous

ORDERS OF THE DAY

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

206 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RESOLVED that Council resolves itself into a Confidential Committee of the Whole in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

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 ENGINEERING & OPERATIONS

1 [EO-CM] Acquisition of Easement to Drain Water 3 Wide Within Lot 1444 in DP 31968 - Terranora

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)

C 58 COMMITTEE DECISION:

That:-

1. Council makes an application to the Minister for Local Government and/or Governor to acquire an Easement to Drain Water 3 wide within Lot 1444 in DP 31968 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993; and
2. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous



207 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.18pm.



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

Chairman

