

**Mayor:** Cr B Longland (Mayor)

**Councillors:** P Youngblutt (Deputy Mayor)  
D Holdom  
K Milne  
W Polglase  
K Skinner  
J van Lieshout



**TWEED**  
SHIRE COUNCIL

# Minutes

## Planning and Regulation Reports

### **Ordinary Council Meeting**

### **Tuesday 26 June 2012**

held at Murwillumbah Cultural and Civic Centre  
commencing at 10.30am

### **COUNCIL'S CHARTER**

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 10.30am.

## **IN ATTENDANCE**

Cr B Longland (Mayor), Cr P Youngblutt (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase, Cr K Skinner and Cr J van Lieshout.

Also present were Mr David Keenan (General Manager), Mr Troy Green (Director Technology and Corporate Services), Mr Ian Kite (Acting Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr Adam Faulkner (Acting Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

## **SUSPENSION OF STANDING ORDERS**

**1**

**Cr K Milne**  
**Cr D Holdom**

**RESOLVED** that Standing Orders be suspended to deal with Item 14 of the Agenda.

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr J van Lieshout**

**14 [PR-CM] Development Application DA11/0356 for a Wakeboarding Coaching Clinic between Fingal and Chinderah along the Tweed River (operating from Fingal Boat Ramp) at Lot 403 DP 755740 Main Road, Fingal Head**

**Cr K Skinner** wishes to declare a *non pecuniary non significant* Interest in this item. The nature of Cr Skinner disclosure is that he is an adjoining property owner in this matter and will be taking part in discussion and voting on this matter.

**2**

**Cr D Holdom**  
**Cr K Milne**

**PROPOSED** that Development Application DA11/0356 for a wakeboarding coaching clinic between Fingal and Chinderah along the Tweed River (operating from Fingal boat ramp) at Lot 403 DP 755740 Main Road, Fingal Head be refused for the following reasons:

1. Pursuant to Section 5 Objects of the Environmental Planning and Assessment Act 1979 (as amended), the proposed development cannot be determined to

satisfy sub section (a)(i), the orderly and economic use and development of the land.

It is Council's view that the proposal has the ability to impact negatively upon adjacent land; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning and Assessment Act 1979.

2. Pursuant to Section 5 Objects of the Environmental Planning and Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(vi), the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

It is Council's view that the proposal has the ability to impact upon the protection and conservation of native animals and plants; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning and Assessment Act 1979.

3. In accordance with Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (as amended) the proposed development is not considered to be compliant with Environmental Planning Instruments.

It is Council's view that the proposed development is inconsistent with the aims of:

State Environmental Planning Policies (SEPP):

- SEPP 14: Coastal Wetlands;
- SEPP 26: Littoral Rainforests;
- SEPP 64: Advertising and Signage (Clauses 10 and 27);
- SEPP 71: Coastal Protection (Clause 8(a), (d), (g), (h), (i) and (p)(i)); and
- North Coast Regional Environmental Plan (NCREP): Clauses 15, 32B, 75, 76 and 81.

It is Council's view that the proposed development does not satisfy the provisions contained within:

The Tweed Local Environmental Plan (LEP) 2000:

- Clause 4: Aims of this plan;
- Clause 5: Ecologically sustainable development;
- Clause 8(1): Consent Considerations;
- Clause 11: Zoning;
- Clause 13: Development of uncoloured land on the zone map;
- Clause 25: Development in zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land;
- Clause 29: Development adjacent to zone 8(a) National Parks and Nature Reserves; and
- Clause 31: Development adjoining waterbodies.

4. The proposal is inconsistent with management plans produced by Council and the Roads and Maritime Services that highlight the need to protect ecology and reduce erosion within the vicinity of the Tweed River.
5. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 (as amended) the proposed site is not considered suitable for the proposed development.

It is Council's view that use of unzoned land adjacent to environmental conservation areas of State significance for the purposes of a wakeboarding coaching clinic is considered unacceptable due to its impact upon the habitat of estuarine fauna, in particular that of migratory shorebirds.

6. In accordance with Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 (as amended) the proposed development is not considered to be in the public interest.

It is Council's view that it is in the broader general public interest to enforce the standards contained within the Tweed LEP 2000 specifically as it relates to the objectives of unzoned land and the 6(a) Open Space, 6(b) Recreation, 7(a) Environmental Protection (Wetlands and Littoral Rainforests), 7(d) Environmental Protection (Scenic/Escarpment), 8(a) National Parks and Nature Reserves and 2(a) Low Density Residential zones.

The Motion was **Lost**

**FOR VOTE - Cr D Holdom, Cr K Milne, Cr B Longland**

**AGAINST VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout**

**3**

**Cr P Youngblutt**

**Cr K Skinner**

**RESOLVED** that Council grant in-principle support for the proposal and that officers bring back a further report to Council with possible conditions of development consent.

The Motion was **Carried** (Minute No **334** Refers).

**FOR VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout**

**AGAINST VOTE - Cr D Holdom, Cr K Milne, Cr B Longland**

<b>A NOTICE OF RESCISSION HAS BEEN RECEIVED FROM COUNCILLORS MILNE, LONGLAND AND HOLDOM IN RELATION TO THIS ITEM.</b>
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Cr K Skinner left the meeting at 12:19 PM

## RESUMPTION OF STANDING ORDERS

4

Cr D Holdom  
Cr B Longland

**RESOLVED** that Standing Orders be resumed.

**FOR VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr K Milne, Cr J van Lieshout, Cr B Longland**  
**ABSENT, DID NOT VOTE - Cr K Skinner**

## ORDINARY ITEMS FOR CONSIDERATION

### SUSPENSION OF STANDING ORDERS

5

Cr J van Lieshout  
Cr P Youngblutt

**RESOLVED** that Standing Orders be further suspended to deal with Item 12 of the Agenda.

The Motion was **Carried**

**FOR VOTE - Unanimous**

12        **[PR-CM] Development Application DA11/0230 for an Eight (8) Lot Subdivision at Lot 2 DP 626198 No. 178 Byangum Road, Murwillumbah**

6

Cr J van Lieshout  
Cr P Youngblutt

**RESOLVED** that this item be deferred to allow the proponent meet with Council staff to discuss possible alternative plans for this site and that a report be brought back to the July Council Meeting.

The Motion was **Carried**

**FOR VOTE - Unanimous**

## RESUMPTION OF STANDING ORDERS

7

Cr D Holdom  
Cr P Youngblutt

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

8

Cr K Skinner  
Cr P Youngblutt

**RESOLVED** that Council notes the May 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr B Longland***  
***AGAINST VOTE - Cr D Holdom***

9            **[PR-CM] Development Application DA12/0164 for a 2 Storey Dwelling and Swimming Pool at Lot 56 DP 1027531 No. 9 Harper Court, Casuarina**

9

Cr W Polglase  
Cr K Skinner

**RESOLVED** that:

1. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan 1988 regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA12/0164 for a 2 storey dwelling and swimming pool at Lot 56 DP 1027531 No. 9 Harper Court, Casuarina 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. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

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

##### 4. 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 must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.



- (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

[PCC0285]

6. A construction certificate application for works that involve any of the following:
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

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

[PCC1145]

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

7. 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]
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 Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- [PCW0255]
10. 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]
11. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in

accordance with any erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

12. 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]

**DURING CONSTRUCTION**

13. Zone Boundary

(a) No construction work other than 1.2m high fencing is to be carried out in the 7(f) zone.

(b) The 7(f) and 2(e) zone boundary is to be clearly identified on site by Registered Surveyor marks prior to start of work.

(b) No overflow from an infiltration pit shall be discharged over the eastern boundary.

[DUR1035]

14. All landscaping is to comply with the 88B Instrument pertaining to the site.

[DUR1055]

15. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2007 & AS 1926.3 - 2003. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)).
- (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.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

[DUR2075]

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

[DUR2085]

17. Sewer connections within the 7(f) zone are to comply with the following:

- (a) Two inspection shafts shall be provided to each lot. The first shall be provided immediately adjacent to the connection point provided by the developer. The second inspection shaft at 0.5 metres inside the 2(e) zone boundary on each property. Inspection shafts are to be finished at surface level with a standard bolted trap screw cap and concrete surround.
- (b) Pipe work size for all lots under this approval are to have a 100mm diameter sewer.

[DUR2695]

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

[DUR2705]

19. 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 A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

20. 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]

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. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site,

and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

23. 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]

24. 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]

25. 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]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0245]

29. 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]

30. 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]

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

[DUR1945]

32. 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]

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

[DUR0445]

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

- 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- 50°C in all other classes of buildings.

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

[DUR2555]

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

[DUR1875]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

36. Prior to the issue of an occupation certificate for the use of the swimming pool, the owner is to contact the local Rural Fire Services to arrange and install a static water supply identification plate.

[POC0315]

37. 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]

38. 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]

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

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

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]

40. 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]

## USE

41. 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).

(c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.

[USE1295]

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

[USE1305]

43. 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]

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

[USE0505]

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

[USE1245]

The Motion was **Carried**

**FOR VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr D Holdom**

**10 [PR-CM] Development Application DA12/0160 for a Two Storey Dwelling and Swimming Pool at Lot 14 DP 1066506 No. 26 North Point Avenue, Kingscliff**

**10**

**Cr W Polglase  
Cr K Skinner**

**RESOLVED** that:

1. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan 1988 regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA12/0160 for a two storey dwelling and swimming pool at Lot 14 DP 1066506 No. 26 North Point Avenue, Kingscliff 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. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of



1.2 metres in height, prior to any construction of the fence being commenced.

Site specific design details or approved generic details prepared by a practicing structural engineer are required to be submitted and approved as part of the Construction Certificate application.

Such structural engineers design details are to confirm that the fence proposal has been designed to take account of all site issues including the site's soil and load bearing characteristics, wind and other applied loadings, long term durability of all components particularly in relation to corrosion and compliance with Tweed Shire Council's policies for "Sewers - Building in Proximity" and provision of appropriate pedestrian sight clearances to footpaths in accordance with Australian Standard AS2890 "Parking Facilities".

[GEN0145]

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

[GEN0300]

5. All fencing is to be non-combustible in accordance with the requirement of the 88b instrument for the property and the NSW Rural Fire Service document planning for bushfire protection 2006.

[GENNS01]

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

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

[PCC0285]

7. 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 must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

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

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

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

[PCC1145]

**PRIOR TO COMMENCEMENT OF WORK**

- 9. 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]

10. 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]

11. 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]

12. 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]

13. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

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

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

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

[PCW0985]

## DURING CONSTRUCTION

15. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -  
Monday to Saturday from 7.00am to 6.00pm  
No work to be carried out on Sundays or Public Holidays  
The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]
16. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]
17. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]
18. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]
19. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]
20. It is the responsibility of the applicant to restrict public access to the 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]
21. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]
22. Construction of the dwelling shall comply with Bushfire Attack Level BAL 12.5 in accordance with Australian Standard 3959-2009 Construction of Buildings in Bushfire-prone Areas.

[DUR0595]
23. 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 A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

24. 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]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

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

[DUR1875]

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

[DUR1945]

28. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 – 2007 & AS 1926.3 - 2003. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au))
- (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.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

[DUR2075]

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

[DUR2085]

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

[DUR2185]

31. 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]

32. 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]

33. 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]

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

- 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- 50°C in all other classes of buildings.

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

[DUR2555]

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

[DUR2705]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

36. 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]

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

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

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]

38. 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]

39. 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

40. 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]

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

[USE0505]

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

[USE1245]

43. 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).



- (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.

[USE1295]

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

[USE1305]

45. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[USE1510]

The Motion was **Carried**

**FOR VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr D Holdom**

- 11            **[PR-CM] Development Application DA12/0125 for a Two Storey Dwelling and Inground Swimming Pool at Lot 46 DP 1027531 No. 7 Beason Court, Casuarina**

11

**Cr W Polglase  
Cr K Skinner**

**RESOLVED** that:

1. State Environmental Planning Policy No. 1 objection to Clause 32B of the North Coast Regional Environmental Plan 1988 regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA12/0125 for a two storey dwelling and in-ground swimming pool at Lot 46 DP 1027531 No. 7 Beason Court, Casuarina 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. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback

measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

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

### 4. 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 must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

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

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

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

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

[PCC1145]

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

7. 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]

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 Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

10. 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]

11. 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]

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

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

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

[PCW0985]

13. 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,
- (i) 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]

**DURING CONSTRUCTION**

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

[DUR0005]

15. Zone Boundary

- (a) No construction work other than 1.2m high fencing is to be carried out in the 7(f) zone.
- (b) The 7(f) and 2(e) zone boundary is to be clearly identified on site by Registered Surveyor marks prior to start of work.
- (c) No overflow from an infiltration pit shall be discharged over the eastern boundary.

[DUR1035]

16. All landscaping is to comply with the 88B Instrument pertaining to the site.  
[DUR1055]
17. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.  
[DUR2535]
18. Construction of the dwelling shall comply with Bushfire Attack Level (BAL) 19 in accordance with Australian Standard 3959-1999 Construction of Buildings in Bushfire-prone Areas.  
[DUR0595]
19. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.  
[DUR2705]
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 A1 to the satisfaction of the Principal Certifying Authority.  
Please note timber retaining walls are not permitted.  
[DUR0835]
21. 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]
22. 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]
23. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.  
[DUR2185]
24. 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]
25. 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]

26. 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]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0245]

30. 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]

31. 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]

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

[DUR1945]

33. 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]

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

[DUR0445]

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

- 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- 50°C in all other classes of buildings.

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

[DUR2555]

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

[DUR1875]

37. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2007 & AS 1926.3 - 2003. (Refer Council's web site [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au))
- (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.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

[DUR2075]

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

[DUR2085]



39. The swimming pool pump shall be located and installed so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[DUR2835]

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

40. 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]

41. 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]

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

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

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]

43. 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]

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

[POC0905]

### **USE**

45. 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]

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

[USE0505]

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

[USE1245]

48. 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).

(c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.

[USE1295]

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

[USE1305]

50. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[USE1510]

51. The planted roof above the proposed garage is not to be used as an external living area

[USENS01]

The Motion was **Carried**

**FOR VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr B Longland**  
**AGAINST VOTE - Cr D Holdom**

**12 [PR-CM] Development Application DA11/0230 for an Eight (8) Lot Subdivision at Lot 2 DP 626198 No. 178 Byangum Road, Murwillumbah**

This item was dealt with earlier in the meeting - Minute No **343** refers.

13 [PR-CM] Development Application DA10/0704 for a 35 Lot Subdivision (32 Industrial Lots) at Lot 2 DP1139059 No. 10 Lundberg Drive, Lot 1 DP232745 No. 92 Wardrop Valley Road, Lot 17 DP712954 Quarry Road, Lot 2 DP1156966 and Lot 228 DP1122768 & Lot 10 DP107

12

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that Development Application DA10/0704 for a 35 Lot Subdivision (32 Industrial Lots) at Lot 2 DP 1139059 No. 10 Lundberg Drive, Lot 1 DP 232745 No. 92 Wardrop Valley Road, Lot 17 DP 712954 Quarry Road, Lot 2 DP 1156966 and Lot 228 DP 1122768 & Lot 10 DP 1071301 Wardrop Valley Road, South Murwillumbah be approved subject to the following conditions:

### GENERAL

1. Staging

The development may be constructed in three separate parts as follows:

Stage 1- Lots 1 to 6, 13 and 18 to 22

All necessary clearing, bulk earthworks and overland flow drainage systems in accordance with the approved drawings.

Construction of the following roads, including underground drainage, water supply, sewerage, power, telephone services and Federal Government's National Broadband Network (NBN) initiatives ( pit and conduit network):

- Road One
- Quarry Road (CH 00 to CH 80)

The development shall be completed in accordance with drawing number SK4, Issue D, dated 28/03/12 by Cozens Regan Williams Prove Pty Ltd.

Temporary turnaround areas are to be provided to the ends of all roads to be extended into the next stage. The turnaround areas are to be constructed in accordance with Development Control Plan Section A5 – Subdivision Manual and Councils adopted Development Design and Construction Specifications. The temporary turnaround areas shall be detailed on the Construction Certificate application.

*External Works*

Improve the hydraulic efficiency of the existing central cane drain, western cane drain and southern cane drain (between the union drain and western drain) as depicted on drawing number SK13 Issue A by Cozens Regan Williams Prove and dated 7/09/10. The works are to be detailed as part of the Construction Certificate application and owners consent is to be provided for the proposed works.

Stage 2 – Lots 7 to 12 and 14 to 17

All necessary clearing, bulk earthworks and overland flow drainage systems in accordance with the approved drawings.

Construction of the following roads, including underground drainage, water supply, sewerage, power, telephone services and Federal Government's National Broadband Network (NBN) initiatives (pit and conduit network):

- Quarry Road (CH 80 to CH 340)
- Road Two (CH 00 to CH 80)

The development shall be completed in accordance with drawing number SK4, Issue D, dated 28/03/12 by Cozens Regan Williams Prove Pty Ltd.

Temporary turnaround areas are to be provided to the ends of all roads to be extended into the next stage. The turnaround areas are to be constructed in accordance with Development Control Plan Section A5 – Subdivision Manual and Councils adopted Development Design and Construction Specifications. The temporary turnaround areas shall be detailed on the Construction Certificate application.

#### *External Works*

Improve the hydraulic efficiency of the existing central cane drain, western cane drain and southern cane drain as depicted on drawing number SK13 Issue A by Cozens Regan Williams Prove and dated 7/09/10. The works are to be detailed as part of the Construction Certificate application and owners consent is to be provided for the proposed works.

#### Stage 3 – Lots 23 to 35

All necessary clearing, bulk earthworks and overland flow drainage systems in accordance with the approved drawings.

Construction of the following roads, including underground drainage, water supply, sewerage, power, telephone services and Federal Government's National Broadband Network (NBN) initiatives ( pit and conduit network):

- Quarry Road (CH 340 to END)
- Road Two (CH 80 to END)
- Lundberg Drive Widening (CH 00 to END)

The development shall be completed in accordance with drawing number SK4, Issue D, dated 28/03/12 by Cozens Regan Williams Prove Pty Ltd.

Temporary turnaround areas are to be provided to the ends of all roads to be extended into the next stage. The turnaround areas are to be constructed in accordance with Development Control Plan Section A5 – Subdivision Manual and Councils adopted Development Design and Construction Specifications. The temporary turnaround areas shall be detailed on the Construction Certificate application.

#### *External Works*

Improve the hydraulic efficiency of the existing central cane drain, western cane drain and southern cane drain as depicted on drawing number SK13 Issue A by Cozens Regan Williams Prove and dated 7/09/10. The works are to be detailed as part of the Construction Certificate application and owners consent is to be provided for the proposed works.

[GENNS01]

2. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 2587-14 prepared by Chapman Surveys and dated 16/02/12, and plan Nos SK4, SK9, SK10, SK11, prepared by Cozens Regan Williams Prove and dated 28/03/12 and 29/03/12 except where varied by the conditions of this consent.

[GEN0005]
3. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]
4. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]
5. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]
6. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then this shall be detailed within the Construction Certificate application for approval of such works.

[GEN0155]
7. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Preliminary Geotechnical Assessment, dated 28 September 2010, except where varied by the conditions of this consent.

The above preliminary geotechnical assessment is limited in scope due to extensive earthworks involving cuts of up to 18 metres in areas. Additional geotechnical investigations as specified in the report are required prior to works commencing on site.

All individual sites are subject to further geotechnical testing at time of building approval.

[GENNS02]
8. Stormwater management shall be in general accordance with the Stormwater Management Plan prepared by Cozens Regan Williams Prove Pty Ltd dated 20 February 2012, except where varied by the conditions of this consent.

[GENNS03]
9. Removal of vegetation from land zoned 7(l) Environmental Protection (Habitat) is prohibited, unless separate approval is granted by Council's General Manager or delegate.

[GENNS04]

10. The Office of Environment & Heritage requires that the proponent needs to ensure that transitional arrangements are in place to ensure compliance with the design and operational standards of *Managing Urban Stormwater: Soils and Construction: Volume 1*, and that the quarries are to be adequately decommissioned and rehabilitated prior to construction of the subdivision commencing.

[GENNS05]

11. The Mineral and Resources Division, Industry and Investment NSW requires that the development follows, or occurs in parallel with, the later stages of and does not restrict, approved quarrying in any part of the subject land.

[GENNS05]

12. Pursuant to Section 88B of the Conveyancing Act, the existing easement for services on the southern portion of existing Lot 2 DP 1156966 benefiting Tweed Shire Council be preserved in the new subdivision layout.

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

13. Proposed Lot 13 shall be suitably embellished at no cost to Council including the detention basin, retaining walls, grassing, landscaping, safety barriers / fencing and access.

[PCC0235]

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

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

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

[PCC0275]

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

[PCC0285]

16. Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>0</sup> (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan endorsed by Council. This Plan shall accompany the Construction Certificate application.

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.

- (c) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

17. All earthworks shall 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.

Catch drains shall be provided on the top side of all retaining walls in accordance with Council's Development Design Specification D6 – Site Regrading.

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

[PCC0485]

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

[PCC0495]

19. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

20. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

#### Road Works

- (a) Construction of an urban bitumen sealed road formation with upright kerb & gutter to a 13m sealed pavement width classified as Access Street (Industrial), within a 20m wide road reserve as per Councils road works standard. A minimum of 3.5m wide nature strip shall be provided on each side for all internal roads.
- (b) A concrete footpath of 1.2 metres wide and 100 millimetres thick on compacted road base is to be constructed along the frontage of all lots including the full length of all internal roads in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.
- (c) Road widening of Lundberg Drive to an urban bitumen sealed road formation with upright kerb and gutter. The widening is to match the existing

road formation south of the site and continue for the full site frontage. Tapering to the existing road formation north of the site is to occur beyond the site frontage.

#### Stormwater

- (a) Additional survey and calculations shall be carried out in the Construction Certificate application phase to determine if any additional detention is required.
- (b) The detailed design of the stormwater detention basin/s shall be submitted with the Construction Certificate application. Specific Requirements to be detailed within the Construction Certificate application for the detention basins include:
  - Size of all detention basins including benching, profiles of batters and extents.
  - Location of all detention basins.
  - All safety measures such as safety barriers/safety fencing.
  - All calculations to be provided, demonstrating appropriately sized detentions basins.
  - Provide a compliant sealed access road to any constructed detention basin, such that a two-wheel drive vehicle is able to drive up to the detention basin for maintenance purposes. A turn around area is to be provided at the end of the access road.

#### Pressure Sewer

- All common rising mains shall be located in the road reserve. The location of connection of the rising main to sewerage shall be determined in consultation with Council during preparation of the engineering design plans so as to minimise the length of rising main so as to reduce any potential odour and septicity issues.
- Common sewer rising main to be accepted as Council infrastructure with each lot to have a private pressure pump station.
- The pump stations are to be designed within a small compound that includes the control box and concrete slab.
- A boundary assembly shall be provided for each lot which is no more than 1m from the point on the boundary where the main from the pump station crosses into the road reserve.
- The pump stations and rising main are to be designed in accordance with Council's design and construction specifications and the WSA 07 Pressure Sewer Code of Australia.

#### Intersections

Construction of an intersection layout of Lundberg Drive / Quarry Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.



Kerb and Gutter including any pavement widening, line marking and signage in Lundberg Drive shall be provided for the full length of the industrial property frontage.

Electricity

All electrical supply works (sub-stations, switching stations, cabling etc) to be included on the Construction Certificate drawings.

[PCC0875]

21. 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]

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

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

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

[PCC0985]

23. 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 may incorporate water sensitive design principles and where practical, integrated water cycle management.

- (d) Specific Requirements to be detailed within the Construction certificate application include:
- Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
  - Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 – *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted for approval prior to issue of a Construction Certificate.
  - Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

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

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

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

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

[PCC1145]

25. 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]

26. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management

system or drainage works (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works), prior to the issue of a Construction Certificate.

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 Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1195]

27. Prior to the issue of a construction certificate the applicant is required to engage a suitably qualified consultant to prepare an Acid Sulfate Soil Assessment and Management Plan to the satisfaction of Council's General Manager or delegate.

[PCCNS01]

28. Prior to the issue of a construction certificate the applicant is required to engage a suitably qualified consultant to prepare a Construction Noise Management Plan to the satisfaction of Council's General Manager or delegate. The management plan shall include but not be limited to the following;

- Assessment of potential noise impacts.
- Proposed noise mitigation measures.
- Restriction in construction hours.
- Maintenance of equipment.
- Complaint management.

[PCCNS01]

29. Prior to the issue of a construction certificate the applicant is required to engage a suitably qualified consultant to prepare a Dust Management Plan to the satisfaction of Council's General Manager or delegate.

[PCCNS01]

30. Where private sewage ejection pump stations are proposed, and prior to the issue of a sub-division certificate, the applicant is required to lodge an application to install an onsite sewerage management system, pay the appropriate fee and be issued with an approval to install under Section 68 of the Local Government Act 1993.

[PCCNS01]

31. Prior to the issue of a construction certificate, the construction certificate application shall include engineering calculations and design plans for all stormwater detention systems and upgrade works for downstream open drains. These details must demonstrate that the contributing industrial catchment, at ultimate development, will not cause unacceptable adverse flooding of downstream land.

[PCCNS02]

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

32. 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]

33. 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]

34. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

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

[PCW0025]

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

[PCW0225]

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

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

[PCW0375]

37. Prior to start of works, the Principal Certifying Authority is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, as well as on all endorsed retaining walls and structures designed over Council's sewer main. The certificate must address any loads or possible loads on the wall from structures adjacent to the wall, as well as confirm that any proposed piers or foundations are located outside the zone of influence of the sewer main.

The certificate must be supported by Geotechnical assessment of the founding material and be endorsed by Council's Community and Natural Resources Division.

[PCW0745]

38. 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 Council's Development Construction Specification C101 by:
  - (i) the consent authority, or

- (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
- (c) has appointed a principal certifying authority,
- (d) has appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction 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 commencement of works, and

- (i) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
  - (ii) 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
- (e) 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.

Note: For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with National Professional Engineers Register (NPER) registration.

[PCW0815]

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

[PCW0835]

40. 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**

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

[DUR0005]

42. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

- A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

44. 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]

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

[DUR0745]

46. During filling operations,

- No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- All fill and cut batters shall be contained wholly within the subject land.

- 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 and to the satisfaction of the Principal Certifying Authority.

and upon completion,

- all topsoil to be respread and the site to be grassed and landscaped including battered areas.

[DUR0755]

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

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with AS3798 and that the development is suitable for its intended use shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

49. 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]

50. 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.

[DUR0995]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

52. A concrete footpath of 1.2 metres wide and 100 millimetres thick is to be constructed along the frontage of all lots including the full length of all internal roads in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

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

[DUR1735]

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. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered **National Association of Testing Authorities (NATA)** Consultant shall be submitted to Council for approval and demonstrating:

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

55. During the relevant stages of road construction, tests shall be undertaken by a Registered **National Association of Testing Authorities (NATA)** Geotechnical firm. A report including copies of test results shall be submitted to the Principal Certifying Authority prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

56. Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.

[DUR1835]

57. 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]



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

[DUR1875]

59. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

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

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

The 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".

[DUR1895]

60. All retaining walls in excess of 1.2 metres in height or retaining walls and structures that are approved to be constructed over Council's sewer main, must be certified by a Qualified Structural Engineer verifying the structural integrity of the structures after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

[DUR1955]

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

[DUR2015]

62. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design and 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]

63. The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

[DUR2035]

64. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

[DUR2285]

65. Drainage Reserve

- (a) The proposed drainage reserve is to be dedicated to Council at no cost.  
(b) An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgment of Application for Subdivision Certificate (form 13) to allow the land to be classified.

[DUR2295]

66. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

67. 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]

68. During construction, a "satisfactory inspection report" is required to be issued by Council for all Section 68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

69. No earthworks or soil removal is to occur inside the 'edge of rubbish' line on Council's location of landfill map (ref: Tweed Shire Council Design unit: location of landfill drawing WK11011) except with prior written approval of Council.

[DURNS01]

70. Prior to the commencement of any road construction, pavement design details, including reports from a Registered **National Association of Testing Authorities (NATA)** Consultant shall be submitted to Council for approval. The pavement shall comply with Councils Development Design and Construction Specifications.

[DURNS02]

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

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

[PSC0005]

72. 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 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

Water DSP2: 10 ET @ \$11571 per ET \$115,710

Sewer Murwillumbah: 10 ET @ \$5560 per ET \$55,600

Stage 2

Water DSP2: 10 ET @ \$11571 per ET \$115,710

Sewer Murwillumbah: 10 ET @ \$5560 per ET \$55,600

Stage 3

Water DSP2: 10 ET @ \$11571 per ET \$115,710

Sewer Murwillumbah: 10 ET @ \$5560 per ET \$55,600

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]

73. Section 94 Contributions

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

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

Stage 1

(a) Tweed Road Contribution Plan:

65 Trips @ \$1807 per Trips \$117,455

(\$1807 base rate + \$0 indexation)

S94 Plan No. 4

Sector10\_4

- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
2.166884 ET @ \$1772.82 per ET    \$3,841.50  
(\$1759.9 base rate + \$12.92 indexation)  
S94 Plan No. 18

Stage 2

- (a) Tweed Road Contribution Plan:  
65 Trips @ \$1807 per Trips    \$117,455  
(\$1807 base rate + \$0 indexation)  
S94 Plan No. 4  
Sector10\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
2.166884 ET @ \$1772.82 per ET    \$3,841.50  
(\$1759.9 base rate + \$12.92 indexation)  
S94 Plan No. 18

Stage 3

- (a) Tweed Road Contribution Plan:  
65 Trips @ \$1807 per Trips    \$117,455  
(\$1807 base rate + \$0 indexation)  
S94 Plan No. 4  
Sector10\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
2.166884 ET @ \$1772.82 per ET    \$3,841.50  
(\$1759.9 base rate + \$12.92 indexation)  
S94 Plan No. 18

[PCC0215/PSC0175]

74. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Environmental Planning and Assessment 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.

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 5 prior to the issue of the subdivision 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 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PSC0185]

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

The bond shall be based on 5% of the value of the public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment), which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued.

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

[PSC0215]

76. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

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

[PSC0225]

77. A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue

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

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

[PSC0235]

78. Pursuant to the provisions of S94 Plan proposed lot 13 shall be dedicated as passive open space at no cost to Council including any embellishment specified.

[PSC0245]

79. Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

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

[PSC0725]

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

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

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

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

[PSC0735]

82. All retaining walls in excess of 1.2m are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

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

- (a) An easement for support is to be created over the footprint of the above retaining wall(s) or batters, benefiting the higher lot. The terms of this easement shall include:
- The owner of the lot burdened shall not interfere with the retaining wall or, batter or the support it offers or use it in a way which may detract from the stability or support provided and
  - The owner of the lot benefited, may at any time the stability of the retaining wall is threatened, enter upon the easement and any carry out repairs required to restore the stability and support provided. And
- (b) A restriction on use is to be created on the lower lot title adjacent to the retaining wall footprint, restricting excavation (greater than 0.3m in vertical height) within the area burdened by the restriction. The width of the area and excavation restrictions within the area shall be determined by the retaining wall designer and shall be no less than the height of the wall, and
- (c) A restriction on use is to be created on the higher lot adjacent to the retaining wall footprint, restricting placement of structures or filling (greater than 0.3m in vertical height) within the area burdened. The restrictions shall be determined by the wall designer, with a width no less than the height of the wall.
- (d) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

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

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

[PSC0825]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) A Restriction As to User for a 10m wide buffer and vegetation corridor on all lots adjacent to the cane fields (Lot 228 on DP 1122768) as depicted on reference drawing number 2587-10 by Chapman Surveys Ptd Ltd dated 15/12/10.
- (c) A Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.

The Positive Covenant (as applicable) to be created over all new dwelling allotments.

- (d) A Restriction As To User requiring that all roofwater from buildings or structures shall be discharged to an approved infiltration pit or permanent



drainage located on the subject property. The infiltration pit or permanent drainage shall be approved by the Principal Certifying Authority.

- (e) Extinguishment of superfluous Right of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public, but are now no longer required.
- (f) Prior to the issue of a Subdivision Certificate, a 6m wide easement is to be provided for access and stormwater drainage over Lot 22 from Road No. 1 to Lot 13.
- (g) Lot 13 to be dedicated as a Drainage Reserve.
- (h) The land located within Lundberg Drive/Wardrop Valley, adjacent (east) to Lot 1 DP1139059 is to be dedicated as Road Reserve.

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

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

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

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

[PSC0855]

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

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

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

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

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. 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".

[PSC0915]

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

[PSC0925]

89. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence deemed by Council to be a safety risk is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

[PSC0945]

90. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

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

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

[PSC1065]

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

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

[PSC1075]

92. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation (including household connections) shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's

Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP – Section A5 – Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.

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

[PSC1115]

93. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of all allotments has been completed.

[PSC1165]

94. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

95. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all Section 68h2 permanent stormwater quality control devices.

[PSCNS01]

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

[PSCNS02]

97. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the subdivision is required to provide a pit and conduit network to allow for the installation of fibre to the home (FTTH) broadband services.

[PSCNS03]

98. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the Principal Certifying Authority, confirming that the subject development complies with the Rural Fire

Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.

[PSCNS04]

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr K Milne**

**14 [PR-CM] Development Application DA11/0356 for a Wakeboarding Coaching Clinic between Fingal and Chinderah along the Tweed River (operating from Fingal Boat Ramp) at Lot 403 DP 755740 Main Road, Fingal Head**

This item was dealt with earlier in the meeting - Minute No **334** refers.

**15 [PR-CM] Development Application DA11/0476.01 for an Amendment to Development Consent DA11/0476 for Demolition of Existing Structures, Construction of a McDonalds Restaurant and Drive-Thru, IGA Supermarket, 2 x Specialty Stores, Carparking and Associated**

**13**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Development Application DA11/0476.01 for an amendment to Development Consent DA11/0476 for demolition of existing structures, construction of a McDonalds restaurant and drive-thru, IGA supermarket, 2 x speciality stores, carparking and associated signage at Lot 1 DP 183770, Lots 1-4 DP 4279, Lot 1 DP 437562, Lot 1 DP 443232, Lot 17 DP 965658, Lot 18 DP 962878 No. 230 Tweed Valley Way, South Murwillumbah be approved and the consent be amended as follows:

1. Delete Condition No. 3.
2. Delete Condition No. 12 and replace it with Condition No. 12A which reads as follows:

12A. The developer shall provide a total of 82 parking spaces parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 – Site Access and Parking Code.

The required parking spaces relevant to each Stage of the development site are:

Stage 1 (McDonalds): 29 parking spaces, plus 9 shared parking spaces from Stage 2.

Stage 2 (IGA / specialty shops): 53 parking spaces plus 7 shared spaces from Stage 1.

Full design detail of the proposed parking and manoeuvring area including integrated landscaping shall be submitted to Tweed Shire Council and

approved by the General Manager or his delegate prior to the issue of a Construction Certification.

3. Delete Condition No. 13 and replace it with Condition No. 13A which reads as follows:

13A. 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 (McDonald's)

- (a) Tweed Road Contribution Plan:

82.2 Trips @ \$1807 per Trips \$148,535

(\$1807 base rate + \$0 indexation)

S94 Plan No. 4

Sector10\_4

Stage 2 (IGA/Specialty Shops)

- (a) Tweed Road Contribution Plan:

172.6 Trips @ \$1807 per Trips \$311,888

(\$1807 base rate + \$0 indexation)

S94 Plan No. 4

Sector10\_4

4. Delete Condition No. 14 and replace it with Condition No. 14A which reads as follows:

14A. 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 5 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)

\\$Unit the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

*This is also applicable prior to the issue of any Section 68 sewer infrastructure construction approval.*

5. Delete Condition No. 15 and replace it with Condition No. 15A which reads as follows:

15A. 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 (McDonald's)

Water DSP2:	<u>3.9651 ET</u> @ \$11571 per ET	<u>\$45,880.20</u>
Sewer Murwillumbah:	<u>10.8248 ET</u> @ \$5560 per ET	<u>\$60,185.90</u>

Stage 2 (IGA/Specialty Shops)

Water DSP2:	<u>0.7879 ET</u> @ \$11571 per ET	<u>\$9,116.80</u>
Sewer Murwillumbah:	<u>1.9576 ET</u> @ \$5560 per ET	<u>\$10,884.30</u>

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

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

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

6. Delete Condition No. 17 and replace it with Condition No. 17A which reads as follows:
  - 17A. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate that includes site filling OR Section 68 approval for construction of sewer main infrastructure, details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.
  
7. Delete Condition No. 19 and replace it with Condition No. 19A which reads as follows:
  - 19A. 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 site filling to be undertaken in conjunction with the first stage of the development being constructed, unless required earlier in conjunction with sewer main construction.  
  
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 Section 68 stormwater application for Council approval.
  
8. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:
  - 23A. 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. The matters covered by this condition are required to be completed in conjunction with the first stage of the development under construction. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Construction of two (2) new vehicular footpath crossings. The eastern (ingress) driveway shall be 7.0m wide at the property boundary, and the western (egress) driveway shall be 7.5m wide at the property boundary.
- (b) Removal of all redundant existing vehicle entries and replacement with kerb and gutter to match existing, as well as appropriate footpath restoration.
- (c) Construction of full width concrete path paving for the full extent of the proposed bus set-down area. The applicant is advised that separate signage for the designation of a bus zone will require separate application to Council's Local Traffic Committee, and that this should be submitted in conjunction with the Section 138 application. At this time Council may consider the installation of 'No Parking' signage for the remainder of the site frontage is warranted, in conjunction with the bus zone signage.
- (d) Construction of a bus shelter to Council's standards midway along the site's frontage.

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
9. Delete Condition No. 35 and replace it with Condition No. 35A which reads as follows:

35A. The applicant is required to submit an application for two (2) water connections for the site, to accord with the future subdivision proposal over the site.
  10. Delete Condition No. 37 and replace it with Condition No. 37A which reads as follows:

37A. Prior to a Construction Certificate being issued for either stage of the development, a Site Management Plan for the ongoing use and management of that stage, including measures for compatibility with the Site Management Plan for the other stage, shall be prepared and submitted to the satisfaction of Council's General Manager or delegate. The Plan shall include but is not limited to the management of mechanical plant and associated equipment, management of the Playland area, proposed site security including management of patrons and antisocial behaviour, monitoring and management of litter, trolley management, coordination of refuse collection vehicles and delivery vehicles to avoid potential traffic conflict and general site management.



The approved Site Management Plan shall be kept onsite and implemented upon commencement of operations.

11. Delete Condition No. 38 and replace it with Condition No. 38A which reads as follows:

38A. Prior to the issue of a Construction Certificate a Demolition Work Plan is to be submitted and approved by Council's General Manager or his delegate, in relation to the existing building along the eastern boundary of the site.

12. The following new Prior to Issue of Construction Certificate (PCC) condition is to be ADDED as Condition 40.1:

*40.1. Development consent for the 2 lot subdivision/amalgamation of the site is to be issued prior to the issue of any construction certificate for building works on the site. Specific requirements to facilitate the subdivision proposal are:*

- a) Construction of an extension of Council's sewer main infrastructure is a requirement of the subdivision proposal. This work can only commence once bulk earthworks for the road frontage area of the site has been completed.*
- b) The sewer main extension is to be laid prior to commencement of any building work on the site.*
- c) Final testing and Closed Circuit Television (CCTV) inspection of the new infrastructure is ideally undertaken after all site and building works are completed, but if this is not achievable, then at the earliest - after completion of driveway ingress works.*
- d) All bulk earthworks associated with the internal shared access arrangements (Right of Carriageway and Parking Easements) must be completed and the relevant shared access areas fully constructed prior to the issue of a Subdivision Certificate.*

13. The following new Prior to Issue of Construction Certificate (PCC) condition is to be ADDED as Condition 40.2:

*40.2. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.*

*The detailed plan must indicate the proposed location of each species within the proposed landscaped areas of the site.*

14. Delete Condition No. 46 and replace it with Condition No. 46A which reads as follows:

46A. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of a construction certificate or Section 68 sewer infrastructure construction application.

15. Delete Condition No. 62 and replace it with Condition No. 62A which reads as follows:
- 62A. Proposed earthworks shall be carried out in accordance with AS3798, "Guidelines on Earthworks for Commercial and Residential Developments".
- The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to:
- a) Tweed Shire Council in conjunction with sewer infrastructure construction works (that require site filling) as per separate Section 68 approval.
- b) The Principal Certifying Authority upon completion.
16. Delete Condition No. 77 and replace it with Condition No. 77A which reads as follows:
- 77A. During construction of the initial stage of the development, 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.
17. Delete Condition No. 103 and replace it with Condition No. 103A which reads as follows:
- 103A. The lots are to be consolidated and subdivided into two (2) lots.
- The Subdivision Certificate is to be issued and proof of registration of the plan of subdivision provided to Council prior to the issue of any Occupation Certificate for the site.

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr B Longland**

**AGAINST VOTE - Cr K Milne, Cr J van Lieshout**

**16 [PR-CM] Response to Notice of Motion from 20 March 2012 - Historic Commercial Uses of the Tweed River**

**14**

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that the report on the response to Notice of Motion from the Council meeting held 20 March 2012 relating to Historic Commercial Uses of the Tweed River be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**17 [PR-CM] Area E, Terranora - Interpretation of Clause 53D of the Tweed Local Environmental Plan 2000 & Altitude Aspire - Status Update**

**15**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council receives and notes the update on the Voluntary Planning Agreement discussions between Council and the applicant for the "Altitude Aspire" Part 3A development, Area E, Terranora; and
2. Clause 53D(3)(a) of the Tweed Local Environmental Plan 2000 is considered satisfied for minor works which do not affect the overall strategic objectives for Area E, Terranora.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**18 [PR-CM] Seaside City Proposed Development Control Plan Amendment and Development Application**

**16**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council supports a decrease in densities within the Seaside City Development Control Plan consistent with market conditions.
2. Council accepts the development application submitted for assessment concurrent with the requested Development Control Plan amendment (submitted by Planit Consulting on behalf of Richtech Pty Ltd) and that the development application be assessed on its merits concurrent with the proposed Development Control Plan amendment.
3. Council liaises with the proponent in order to ensure that the costs associated with the requested Development Control Plan amendment are borne by the applicant and whether the proponent can provide resources to the Council in order to process the suggested Development Control Plan amendment in a timely manner.

4. A separate detailed review of the Seaside City Development Control Plan be included on Council's Planning Reforms Works Program for 2013/2014.

The Motion was **Carried**

**FOR VOTE - Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr D Holdom, Cr K Milne**

**19 [PR-CM] Tweed City Centre Local Environmental Plan 2012**

17

**Cr W Polglase**

**Cr P Youngblutt**

**RESOLVED** that Council in respect of the previously endorsed Draft Tweed City Centre Local Environmental Plan 2009:

1. Receives and notes the content of submissions received as part of the further consultation with Charles Street, Tweed Heads landowners affected by the draft E2 Environmental Conservation zoning;
2. Endorses the removal of the E2 Environmental Conservation zoning to the subject Charles Street properties, as shown in Figure 1 of this report, and apply a translation of the current Tweed Local Environmental Plan 2000 residential zones; and
3. Endorses the finalisation of a report to the Director General of the Department of Planning and Infrastructure, pursuant to the provision of Section 68(4) of the Environmental Planning and Assessment Act 1979 to assist in the making of the Tweed City Centre Local Environmental Plan 2012 in accordance with the zoning amendment.

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr K Milne**

**20 [PR-CM] Approvals to Operate Markets - Kingscliff, Pottsville, Knox Park Murwillumbah and Recreation Reserve, Tweed Heads**

18

**Cr W Polglase**

**Cr P Youngblutt**

**RESOLVED** that:

1. Approval is granted to operate the respective markets from 1 July 2012 for a period of three years to the following:
  - (a) Recreation Ground Tweed Heads – Tweed Heads Police and Community Youth Club.
  - (b) Pottsville – Pottsville Beach Neighbourhood Centre.
  - (c) Kingscliff – Lions Club of Kingscliff (Inc.).
  
2. Relevant conditions are applied to those approvals as determined by the General Manager or his delegate.

The Motion was **Carried**

***FOR VOTE - Unanimous***



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