PLANNING COMMITTEE AGENDA

Date

Dear Minute Book

NOTICE IS GIVEN that a Meeting of the Planning Committee will be held at the Council Chamber, Murwillumbah Civic and Cultural Centre on Wednesday 6 July 2005, commencing at 5.00pm.

Submitted,

Dr J Griffin
General Manager

AGENDA

1. Confirmation of Planning Committee Minutes
2. Apologies
3. Disclosure of Interest
4. Items to be Moved from Ordinary to Confidential - Confidential to Ordinary
5. Community Access - Planning Matters
6. Reports through the General Manager
   a. Reports from the Director Planning & Environment
   b. Reports from the Executive Manager - Office of the General Manager
   c. Reports from the Director Engineering and Operations
   d. Reports from the Director Environment and Community Services
7. Confidential Matters - (exclude Press and Public)
ITEMS FOR CONSIDERATION OF THE COMMITTEE:

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The Meeting commenced at 5.00pm.

CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Wednesday 15 June 2005

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Planning Committee Meeting held on Wednesday 15 June 2005 (DW 1221738).
RESEARCH THROUGH GENERAL MANAGER

RESEARCH FROM PLANNING COMMITTEE

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:

   (a) the provisions of

      (i) any environmental planning instrument; and
      (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
      (iii) any development control plan, and
      (iv) any matters prescribed by the regulations,

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

   (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,

   (c) the suitability of the site for the development,

   (d) any submissions made in accordance with this Act or the regulations,

   (e) the public interest.
1 [PE] Development Application DA04/0449 for a dual occupancy & demolition at Lot 475 DP 755740, No. 10 Charles Street Tweed Heads

ORIGIN:

Development Assessment

FILE NO: DA04/0449 Pt1

SUMMARY OF REPORT:

This matter was referred with a recommendation for approval to the Council meeting of 1 June 2005 whereupon the Council resolved:

"This item was deferred to the Planning Committee (Minute No. 399 refers)."

This matter was referred with a recommendation for approval to the Planning Committee meeting of 15 June 2005 whereupon the Committee recommended:

"RECOMMENDED that this item be further deferred to the next Council meeting, with a redrafted recommendation, for the Administrator's consideration."

Accordingly Part A of the original recommendation has been amended. It should also be noted that as this matter will now be determined in the 2005/2006 financial year water and sewer contributions have been amended to be consistent with the 2005/2006 fees and charges.

RECOMMENDATION:

That:

A. The State Environmental Planning Policy No. 1 objections to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources be assumed for the following reasons:

- The development attains the objectives of the zone.
- The development presents as single storey to Charles Street.
- The building presents largely as two storeys when viewed from the north/northeast.
- The building is highly articulated and stepped.
- The building provides architectural interest in its design.
- The development complements the existing urban area.
- The development represents a good planning outcome for this steep site.
B. That Development Application DA04/0449 for a dual occupancy & demolition at Lot 475 DP 755740, No. 10 Charles Street Tweed Heads be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Jim Glazebrook and Associates Pty Ltd, dated March 2004 and Plan Nos 3000/DA/01B, 3000/DA/02B, 3000/DA/03B and 3000/DA/04B prepared by Pat Twohill Designs Pty Ltd and dated 31/03/05, except where varied by these conditions.

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

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

   (b1) the principal certifying authority has, no later than 2 days before the building work commences:
      
      (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
      
      (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

   (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
      
      (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
      
      (ii) notified the principal certifying authority of any such appointment, and
      
      (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Erosion and Sediment Control During the Construction Phase of Development

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

(b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

5. All cut and fill earthworks shall be carried out in accordance with the recommendations of Soil Surveys Engineering P/L "Geotechnical Investigation & Stability Assessment" (June 2004), unless directed otherwise by the conditions of this consent. All retaining structures and associated drainage services shall be designed and constructed in accordance with AS/NZS 4678-2000 Earth-retaining Structures. All retaining structures shall be contained wholly within the subject allotment. Detailed engineering details of all retaining structures shall be submitted with the Construction Certificate application.

(i) The development shall not impede stormwater flows from external catchments, cause ponding of stormwater on neighbouring allotments, or divert external overland stormwater flows onto adjoining properties.

(ii) Drainage services for the development shall be adequately designed to convey all received runoff from external catchments, in events up to the ARI 100 year storm, to a legal point of discharge. Engineering details of the drainage system shall be submitted with the Construction Certificate application.
(iii) The legal point of stormwater discharge for the development is the drainage easement located along the northern boundary of the site. Stormwater may not be discharged onto adjoining allotments.

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

7. Permanent Stormwater Quality Treatment

(a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.

(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.
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 section 68 of the Local Government Act 1993.

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

9. Section 94 Contributions

(i) 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.

a. Tweed Road Contribution Plan: $1,288
   S94 Plan No. 4 (Version 4.0)
   Sector1_4

b. Open Space (Structured): $240
   S94 Plan No. 5

c. Open Space (Casual): $51
   S94 Plan No. 5

d. Shirewide Library Facilities: $212
   S94 Plan No. 11
10. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Water: 1 ET</td>
<td>$4,230</td>
</tr>
<tr>
<td>Sewer: 1 ET</td>
<td>$2,634</td>
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</tbody>
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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.
PRIOR TO COMMENCEMENT OF WORK

11. A temporary builder’s toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
   (a) a standard flushing toilet connected to a public sewer, or
   (b) if that is not practicable, an accredited sewage management facility approved by the council, or
   (c) if that is not practicable, any other sewage management facility approved by the council.

12. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (a) showing the name, address and telephone number of the principal certifying authority for the work, and
   (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
   (c) stating that unauthorised entry to the site is prohibited.

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

13. 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.

14. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the PCA.

15. An application to connect to Council’s sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.
16. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

17. Residential building work:
   (1) 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:
      (a) in the case of work for which a principal contractor is required to be appointed:
           (i) in the name and licence number of the principal contractor, and
           (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
      (b) in the case of work to be done by an owner-builder:
           (i) the name of the owner-builder, and
           (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
   (2) 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.

18. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.

DURING CONSTRUCTION

19. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
20. 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.

21. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

23. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

23. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

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

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

26. The burning of builders waste on site by open fire is prohibited.

27. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
28. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

29. 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.

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

31. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

32. 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.

33. 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.

34. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (unless all the premises are occupied by a single household or firm as a residence or place of business) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

35. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
36. 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.

37. 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.

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

i. All required erosion and sedimentation control devices have been installed and are operational.

ii. Required toilet facilities have been provided on the site.

iii. A sign has been erected on the site identifying:
   - Lot number
   - Builder
   - Phone number of builder or person responsible for site.

iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

39. 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 to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
40. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

41. 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.

42. The owner or contractor 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.

43. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering & Operations. Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
44. A 1.2 metre wide footpath will need to be constructed hard behind the kerb on Charles Street. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpath is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council’s Engineering & Operations Division prior to concrete being placed.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

45. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

46. A person must not commence occupation or use of the whole or any part of a new building (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).

47. 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.

48. Prior to occupation of the building or the issue of a Subdivision Certificate, all disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveway across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering & Operations.
REPORT:
As per summary.

UNDER SEPARATE COVER/FURTHER INFORMATION:
Nil.
2 Development Application DA04/1300 for an Integrated Housing Development Incorporating 6 Dwellings Being Part Two (2) and Part Three (3) Storey at Lot 15 DP 21680, Lot 14 Sec 6 DP 17606, No. 17 & 19 Moss Street, Kingscliff

ORIGIN:
Development Assessment

FILE NO: DA04/1300 Pt1

SUMMARY OF REPORT:
This matter was referred to the Council meeting of 20 April 2005 with a recommendation for refusal whereupon Council resolved:

RESOLVED that this item be deferred for a further report to be submitted to Council.

A further report upholding the refusal recommendation was referred to the Planning Committee meeting of 15 June 2005 whereupon the Committee recommended:

RECOMMENDED that this item be deferred to the next Planning Committee meeting where the requested images can be before Council to allow further consideration of this item.

The Applicant has provided an addendum to the application that comprises a series of graphic illustrations depicting the proposed buildings against the backdrop of their urban context in the format of a photographic overlay. The illustrations are contained in this report.

The new graphic illustrations have been mailed to objectors/supporters of the proposal, and provided an opportunity to register an interest in making a representation on the application at the Planning Committee meeting.

RECOMMENDATION:

That Development Application DA04/1300 for an integrated housing development incorporating 6 dwellings being part two (2) and part three (3) storey at Lot 15 DP 21680, Lot 14 Sec 6 DP 17606, No. 17 & 19 Moss Street, Kingscliff be refused for the following reasons:

A. State Environmental Planning Policy No. 1 objections to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building not be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources not be assumed.
B. Development Application DA04/1300 for an integrated housing development incorporating 6 dwellings being part two (2) and part three (3) storey at Lot 15 DP 21680 Lot 14 Sec 6 DP 17606, No. 17 & 19 Moss Street, Kingscliff be refused for the following reasons: -

1. Pursuant to Section 79C(1)(a)(i) the proposed development being three-storey is pursuant to Tweed Local Environmental Plan 2000 a prohibited development.

2. Pursuant to Section 79C(1)(a)(iii) the development proposal has not demonstrated due consideration or compliance with Tweed Shire Development Control Plan No.6 - Multi Dwelling Housing, as it relates primarily to the floor space ratio provisions.

3. Pursuant to Section 79C(1)(a)(iii) the development proposal has not demonstrated due consideration or compliance with Tweed Shire Development Control Plan No.43 - Kingscliff, as it relates to the precinct objectives in Section 7.2.

4. Pursuant to Section 79C(1)(a)(iii) the development proposal has not demonstrated due consideration or compliance with Tweed Shire Development Control Plan No.43 - Kingscliff, as it relates to the building design provisions in Section 8.

5. Pursuant to Section 79C(1)(a)(iii) the development proposal has not demonstrated due consideration or compliance with Tweed Shire Development Control Plan No.48 - Tweed Coast Building Heights, as it relates to the setback requirements provided in Section 2.3(A2).

6. Pursuant to Section 79C(1)(c) the development site is not considered suitable for the proposed development, as evidenced by the non compliances with Council’s planning requirements.

7. Pursuant to Section 79C(1)(d) the application has attracted a number of public submissions in the negative. Issues raised relate predominantly to the non compliance with Council’s planning requirements.

8. Pursuant to Section 79C(1)(e) the proposed development in unnecessarily compromising the integrity of Council’s development control plan provisions is not considered to be in the public interest.

9. Pursuant to Section 5 – Objects, of the Environmental Planning and Assessment Act, 1979 the proposed development cannot be determined to satisfy subsection (a)(ii), the orderly and economic use and development of the land, in the context of Council’s planning requirements.
REPORT:

As per summary.
UNDER SEPARATE COVER/FURTHER INFORMATION:
Nil
3 [PE] Development Application DA04/1288 for Multi Dwelling Housing Development Comprising of Five (5) Dwellings in a Part Two (2) and Three (3) Storey Building at Lot 34 DP 21680, No. 29 Moss Street, Kingscliff

ORIGIN:
Development Assessment

FILE NO: DA04/1288 Pt1

SUMMARY OF REPORT:

This matter was referred with a recommendation for approval to the Planning Committee meeting of 15 June 2005 whereupon the Committee recommended:-

"RECOMMENDED that this item be deferred to the next meeting of the Planning Committee meeting where better consideration of the application can be given, by potential objectors/supporters and the administrators."

In accordance with the Committees recommendation the development plans have been mailed to objectors/supporters of the proposal, and provided an opportunity to register an interest in making a representation on the application at the Planning Committee meeting. No further information has been received on the application.

Section 64 Contributions

It should also be noted that as this matter will now be determined in the 2005/2006 financial year water and sewer contributions have been amended to be consistent with the 2005/2006 fees and charges.

RECOMMENDATION:

That: -

1. State Environmental Planning Policy No. 1 objections to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources be assumed.

2. That Development Application DA04/1288 for multi dwelling housing development comprising of five (5) dwellings in a part two (2) and three (3) storey building at Lot 34 DP 21680, No. 29 Moss Street, Kingscliff be approved subject to the following conditions: -
GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Planit Consulting Pty dated September 2004 and the addendum of 26 November 2004 and Development Plan Nos. 1 to 7 having the prefix 02575SK prepared by Agenti Architects Pty Ltd dated September 2004, except where varied by these conditions

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

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

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

5. The erection of a building in accordance with a development consent must not be commenced until:
   (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
   (b) the person having the benefit of the development consent has:
      (i) appointed a principal certifying authority for the building work, and
      (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
   (b1) the principal certifying authority has, no later than 2 days before the building work commences:
      (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
      (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
   (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
      (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
      (ii) notified the principal certifying authority of any such appointment, and
(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

6. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carryout such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in Council’s road reserve shall require the submission and approval of a separate s.138 application, which is to be accompanied with all necessary engineering detail to the satisfaction of Council Director Engineering and Operations.

7. Appropriate signage is to be erected that nominates the use / allocation of car parking / visitor and wash down space(s).

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. Section 94 Contributions
   (i) 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.

   a. Tweed Road Contribution Plan: $3,640
      S94 Plan No. 4 (Version 4.0)
      Sector6_4
Heavy Haulage Component
Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist.  average haulage distance of product on Shire roads

(trip one way)

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

Admin.  Administration component - 5% - see Section 6.5

b. Open Space (Structured): S94 Plan No. 5  $1,770

c. Open Space (Casual): S94 Plan No. 5  $378

d. Shirewide Library Facilities: S94 Plan No. 11  $1,562

e. Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13  $309

f. Community Facilities (Tweed Coast) (North Coast) S94 Plan No. 15  $1,968
9. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Water: 2.4 ET @ $4230 $10,152.00
Sewer: 3.25 ET @ $6152 $19,994.00

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.

[PC0070/PSC0004]
10. Permanent Stormwater Quality Treatment  
(a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.  
(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.  
(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.  
(d) Specific requirements:  
(i) All driveway and undercover car parking runoff must be treated to remove oil and sediment pollutants prior to discharge to the public realm. Permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - Stormwater Quality, Section D7.12, with full engineering details and maintenance schedules to be submitted with a s68 Stormwater Application.  
(ii) The proposed car wash bay must be constructed of permeable material, preferably grass.  

11. The legal point of discharge for the subject development is via discharge into the public drainage system in Moss Street.
12. Construction Certificate drawings shall make provisions for the regrading of the subject site in accordance with Council's Development Control Plan 47 "Cut and Fill on residential Land " or to the satisfaction of the Director Engineering and Operations Division.

13. All retaining walls in excess of 1.2m are to be designed by a suitably qualified geotechnical / structural engineer in accordance with AS4678 - 2002 - Earth Retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the Construction Certificate drawings.

14. Prior to the issuing of a Construction Certificate, a full geotechnical assessment of the site is to be carried out and a report submitted to Council for approval. The report must include recommendations relating to proposed on-site excavation works, site stability and any other geotechnical matters of relevance relating to the proposed development.

15. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
   i. An adequately sized overland flow path is to be provided down basement stairwell and along the western boundary of the development to convey potential Q100 stormwater runoff from Hungerford Lane through the site, without any discharge occurring into the basement car parking area or onto neighbouring property.
   ii. The driveway entrances and proposed car wash bay must be shaped, graded and bunded (as required) to convey potential Q100 stormwater runoff from Hungerford Lane through the site, without any discharge occurring into the basement car parking area or onto neighbouring property.
   iii. The relocation of sewer mains within the subject site and neighbouring property (Lot 35 on DP 21680) to the satisfaction of the Director Engineering and Operations Division.

16. Access to the site shall be limited to Hungerford Lane only.

17. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping, however ponding in basement car parking areas is not accepted. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to
Tweed Shire. All these works and the connection to Council's drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director, Engineering & Operations.

18. A detailed plan of landscaping is to be submitted and approved by Council's Director, Planning and Environment prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

19. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

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

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

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

Applications for these works must be submitted on Council’s standard $68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
22. Erosion and Sediment Control During the Construction Phase of Development
   (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
   (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

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

24. Prior to issue of a Construction Certificate details of the provision of a screened, graded and drained garbage store area are to be submitted for approval and must be to the satisfaction of Council's Director Environment and Community Services. The submission must be accompanied with a letter from Council's waste contractor that clearly expressed their satisfaction with the proposed storage / collection area.

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

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

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

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

28. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

29. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principal Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

30. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
(i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and

(ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

(iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-

(A) the method of protection; and

(B) the date of installation of the system; and

(C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and

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

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

31. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-

(a) a standard flushing toilet connected to a public sewer, or

(b) if that is not practicable, an accredited sewage management facility approved by the council, or

(c) if that is not practicable, any other sewage management facility approved by the council.

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

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

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

33. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
i. The person must, at the person's own expense:
   a. preserve and protect the building from damage; and
   b. if necessary, underpin and support the building in an approved manner.

ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

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

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

36. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

37. Residential building work:
   (1) 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:
      (a) in the case of work for which a principal contractor is required to be appointed:
         (i) in the name and licence number of the principal contractor, and
         (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
      (b) in the case of work to be done by an owner-builder:
         (i) the name of the owner-builder, and
         (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
(2) 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.

38. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council, following all relevant application approvals.

39. Prior to commencement of works a detailed sedimentation and erosion control plan shall be submitted to Council for approval.

DURING CONSTRUCTION

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

41. The layout and construction standards of the 5 covered and 3 uncovered proposed car parking spaces are to be in accordance with Council's Development Control Plan No. 2 - Site Access and Parking Code.

42. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Engineering and Operations Division.

43. Any existing or new sewer manholes located on this site must not be covered with soil or other material or concealed below ground level.

Should earthworks be proposed in the area of a existing sewer manhole, Council's Engineering & Operations Division must be consulted and suitable arrangements made to raise / lower the manhole to the satisfaction of Council's Manager Public Utilities.

44. No soil, sand, gravel, clay or other material shall be disposed of off the site.
45. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

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

47. 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.

48. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering & Operations. Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

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

51. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.  

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

53. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.  

54. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.  

55. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.  

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

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

A. Short Term Period - 4 weeks.  
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

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

59. 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 to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

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

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

62. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
   a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
   b. The chute shall be located in a position approved by the Principal Certifying Authority.
   c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

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

64. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
65. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

66. 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.

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

68. If the work involved in the erection or demolition of a building:
   a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
   b. building involves the enclosure of a public place,

   a hoarding or fence must be erected between the work site and the public place.

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

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

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

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

70. 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.
71. 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.

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

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

74. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (unless all the premises are occupied by a single household or firm as a residence or place of business) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

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

76. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

77. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

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

   * 43.5°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.
79. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
   i. All required erosion and sedimentation control devices have been installed and are operational.
   ii. Required toilet facilities have been provided on the site.
   iii. A sign has been erected on the site identifying:
       • Lot number
       • Builder
       • Phone number of builder or person responsible for site.
   iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
   v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

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

81. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.

82. The burning of builders waste on site by open fire is prohibited.

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

84. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.
85. Acid sulfate soils shall be exposed or disturbed and the site shall not be dewatered. In the event that either or both is encountered or is required work shall cease until Council and any other relevant consent authority has been notified and relevant approval(s) obtained.

[DURNS02]

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

[DUR0950]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

88. A 3m wide easement is to be established over the sewer mains with the subject site and neighbouring property (Lot 35 on DP 21680). These easements are to be finalised and documentary evidence submitted to Council prior to the issue of an Occupation Certificate.

[POCN501]

89. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

[POC0020]

90. A person must not commence occupation or use of the whole or any part of a new building (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).

[POC0030]

91. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

92. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]
93. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

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

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

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

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

USE
94. All wastes shall be collected, stored and disposed to the satisfaction of the Director Environment and Community Services. Wastes shall be presented at the kerb for in a Council approved wheelie bin for collection.

95. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

96. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
REPORT:
As per summary.

UNDER SEPARATE COVER/FURTHER INFORMATION:
Nil.
4. Development Application DA04/0858 for a 5 Unit Residential Development in 6 Storeys at Lot 106 DP 237806, No. 6 Ivory Crescent, Tweed Heads

ORIGIN:
Development Assessment

FILE NO: DA04/0858 Pt1

SUMMARY OF REPORT:
The above Development Application was reported to the Planning Committee Meeting of 15 June 2005, whereupon the Committee recommended: -

"RECOMMENDED that this item be deferred to the next Planning Committee to be scheduled for further consideration, including a review of the profile plans."

In accordance with the above recommendations the applicant has provided photomontages and elevations of the development which are contained in this report.

Section 64 Contributions

It should also be noted that as this matter will now be determined in the 2005/2006 financial year water and sewer contributions have been amended to be consistent with the 2005/2006 fees and charges.

RECOMMENDATION:

That: -

1. Council notes that a contribution plan is under preparation for the public infrastructure to implement the Tweed Heads Master Plan.

2. Council generally supports the application and refers it to the Director Planning & Environment to negotiate a contribution of $2,000 per unit under a voluntary agreement for public infrastructure identified in the Tweed Heads Master Plan.

3. The approval be issued by the Director Planning & Environment under delegation in accordance with the recommended conditions in the report to the Planning Committee meeting of 15 June 2005 subject to recalculation of the Section 64 contributions.
REPORT:

As per summary.
view from south looking north along Ivory Crescent
UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
5  [PE] Development Application DA04/0517 for Demolition of Existing Dwelling and Erection of Multi Dwelling Housing Comprising of Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point

ORIGIN:
Development Assessment

FILE NO:    DA04/0517 Pt1

SUMMARY OF REPORT:

This matter was referred to the Council meeting of 1 June 2005 with a recommendation for approval whereupon Council resolved: -

"This item was deferred to the Planning Committee (Minute No. 399 refers)."

A further report upholding the approval recommendation was referred to the Planning Committee meeting of 15 June 2005 whereupon the Committee recommended: -

"RECOMMENDED that this Consent be amended to provide for consent only on the condition that the building envelopes are complied with and that there be a much greater proportion of permeable surfaces within the landscaping plan and provision for stormwater run-off retention and recycling on the site.

It is noted that the development costs have risen from $1.5M to approximately $2.2M."

Discussion with the applicant on 24 and 27 June 2005 indicated that the application was unlikely to be amended, that the proposal was justified on the grounds submitted, however further justification for the proposal may be presented to the Committee by the applicant.

Objectors/supporters of the proposal have been advised by letter that no additional information has been received, and provided an opportunity to register an interest in making a representation on the application at the Planning Committee meeting.

Section 64 Contributions

It should also be noted that as this matter will now be determined in the 2005/2006 financial year water and sewer contributions have been amended to be consistent with the 2005/2006 fees and charges.
RECOMMENDATION:

That:

1. The State Environmental Planning Policy No. 1 objections to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve be supported and the concurrence of the Director-General of the Department of Infrastructure, Planning and Natural Resources be assumed.

2. Development Application DA04/0517 for the demolition of the existing dwelling and erection of multi dwelling housing comprising of five (5) dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road Hastings Point be approved subject to the following conditions:

   GENERAL

   1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos P417DA01 Revision D, P417DA04 Revision E, P417DA05 Revision E, P417DA06 Revision D, P417DA07 Revision E prepared by Glen Petersen Architect and dated 18/08/2004, except where varied by these conditions.

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

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

   4. The erection of a building in accordance with a development consent must not be commenced until:
      (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
      (b) the person having the benefit of the development consent has:
         (i) appointed a principal certifying authority for the building work, and
         (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
      (b1) the principal certifying authority has, no later than 2 days before the building work commences:
         (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and

(ii) notified the principal certifying authority of any such appointment, and

(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

5. Kerb and gutter will be required for the full frontage of the site to Coast Road. The kerb will need to be 6.5m from the existing centre line to kerb face. Detailed plans will need to be submitted for approval by the Director Engineering Services prior to issue of a construction certificate.

6. The existing cycleway is to be saw cut and removed at the driveway entrance as the path is not reinforced.

7. The proposed rendered block fence shown extending to the front property boundary will need to be stopped 5 metres from the boundary or lowered to comply with sight lines as per Australian Standards.

8. All wastes shall be collected, stored and disposed to the satisfaction of Director of Environment and Community Services. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property.

9. The site shall not be dewatered and acid sulfate soils shall not be exposed or disturbed.

10. Wash water from the pervious car wash area shall not flow or percolate to any watercourse or stormwater drain.

11. Lighting shall not be permitted to impact the amenity of any other premise.
12. No roofing or shade structure shall be permitted on the roof terrace.

13. Riparian vegetation shall not be removed or cut back.

14. Stormwater runoff or wastewater shall not be permitted to discharge to Cudgera Creek.

15. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in Council's road reserve shall require the submission and approval of a separate s.138 application, which is to be accompanied with all necessary engineering detail to the satisfaction of Council's Director of Engineering and Operations.

16. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.

17. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

18. A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the western boundary adjacent to the hazard. A pedestrian access gate is to be provided along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

19. Access to the rear of the property shall be provided for fire fighting purposes.

20. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.

21. All fencing shall be of non-combustible materials.
22. Construction of the dwellings on the eastern and western aspects to comply with level 3 AS3959. Construction on the remainder of the dwelling to comply with table A3.3 of Planning of Bushfire Protection 2001.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

23. Section 94 Contributions

   (i) 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.

a. Tweed Road Contribution Plan: $6,740
   S94 Plan No. 4 (Version 4.0)
   Sector8a_4

b. Open Space (Structured): $1,770
   S94 Plan No. 5

c. Open Space (Casual): $378
   S94 Plan No. 5

d. Shirewide Library Facilities: $1,562
   S94 Plan No. 11

e. Eviron Cemetery/Crematorium Facilities: $309
   S94 Plan No. 13

f. Community Facilities (Tweed Coast) (South Coast): $2,336
   S94 Plan No. 15
g. Emergency Facilities (Surf Lifesaving) $539
   (REMSHIRE)
   S94 Plan No. 16

h. Extensions to Council Administration Offices & Technical Support Facilities $963.05
   S94 Plan No. 18

i. Cycleways $365
   S94 Plan No. 22

j. Regional Open Space (Structured) $2,671
   S94 Plan No. 26

k. Regional Open Space (Casual) $460
   S94 Plan No. 26

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

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

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

Water: 2.8 ET @ $4230 $11,844.00
Sewer: 3.75 ET @ $2634 $9,878.00

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.
25. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC0130]

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

[PCC0160]

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

[PCC0190]

28. Permanent Stormwater Quality Treatment
   (a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.
(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

(d) Specific Requirements
Stormwater quality control measures shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions.

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

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

Applications for these works must be submitted on Council’s standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
30. Erosion and Sediment Control During the Construction Phase of Development
(a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
(b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

31. Design of all filling and/or retaining works on the site must address drainage of the site as well as any existing stormwater flows onto or through the site, and the likely impact on stormwater drainage in the locality. Where necessary, perimeter drainage must be installed to prevent ponding of stormwater on adjoining land. Drainage must be installed and operational prior to commencement of any building work.

32. The basement car parking is to be protected against the inflow of water from Tweed Coast Road during storm events up to the ARI 100 year storm. This protection must be provided by construction of a permanent bund and appropriate driveway formation, not by mechanical means.

33. Stormwater infrastructure works within Council's Road Reserve and Council's Coastal Reserve, shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions. Full engineering details of the external drainage system, including sizing of the infiltration area, shall be provided with the Construction Certificate application, and associated s68 and s138 applications.
34. Council’s cycleway and road infrastructure must be fully reinstated to Council standards following construction and connection of the external drainage system. The concrete cycleway is to be saw cut to facilitate the construction of the system connection.

35. Plans of all works within Council’s Coastal Reserve shall be accompanied by rehabilitation/ revegetation plans to be implemented within all areas disturbed by the works, to the satisfaction of Council's Manager Recreation Services.

36. The works shall at no time impose service interruptions on the sewer rising main located within the adjacent road reserve (Tweed Coast Road).

37. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.

38. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.

PRIOR TO COMMENCEMENT OF WORK

39. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

40. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

41. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-

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

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

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

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

43. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

i. The person must, at the person's own expense:
   a. preserve and protect the building from damage; and
   b. if necessary, underpin and support the building in an approved manner.

ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
44. Prior to work commencing, a “Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority” shall be submitted to Council at least 2 days prior to work commencing.

45. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

46. Residential building work:

(1) 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:

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

      (i) in the name and licence number of the principal contractor, and

      (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

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

      (i) the name of the owner-builder, and

      (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(2) 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.
DURING CONSTRUCTION

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

48. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

49. The provision of nine (9) off street car parking spaces. Two (2) spaces are to be nominated for visitor use and signposted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

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

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

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

53. 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.

54. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
55. 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.

56. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

57. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
   b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

58. If the work involved in the erection or demolition of a building:
   a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
   b. building involves the enclosure of a public place,

   a hoarding or fence must be erected between the work site and the public place.

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

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

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

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

60. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
61. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation

62. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

63. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

64. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

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

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

A. Short Term Period - 4 weeks.
   L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

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

67. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
68. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.  

69. The burning of builders waste on site by open fire is prohibited.  

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

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

72. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.  

73. 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.  

74. 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.  

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

76. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
77. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

78. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

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

- 43.5°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.

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

i. All required erosion and sedimentation control devices have been installed and are operational.

ii. Required toilet facilities have been provided on the site.

iii. A sign has been erected on the site identifying:

- Lot number
- Builder
- Phone number of builder or person responsible for site.

iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
81. 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 to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

82. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1230]

83. A person must not commence occupation or use of the whole or any part of a new building (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).

[POC0030]

84. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

85. 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.

[POC0170]

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

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

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

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.
The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.  

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

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

88. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

USE

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

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

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

92. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

93. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
REPORT:
As per summary.

UNDER SEPARATE COVER/FURTHER INFORMATION:
Nil
6 [PE] Development Application DA04/1058 for a 45 Lot Subdivision Comprising of 36 Urban Residential Lots and 9 Rural Residential Lots at Lot 1 DP 302949, Lot 1 DP 725165, Lot 5 DP 574986 and Lot 2 DP 30714, No. 38 & 142 McAllisters Road, Bilambil Heights

ORIGIN:
Development Assessment

FILE NO: DA04/1058 Pt3

SUMMARY OF REPORT:
The above Development Application was reported to the Planning Committee Meeting of 15 June 2005, whereupon the Committee recommended:-

P4 COMMITTEE DECISION:
Administrator Turnbull
Administrator Payne

RECOMMENDED that this item be deferred, without recommendation, for consideration at the Council Meeting of 6 July 2005.

FOR VOTE - Unanimous

In addition to the report of 15 June 2005 the following additional information is provided as requested to assist in the determination of this application:

- Information pertaining to the capacity of Kennedy Drive, and
- Plans of the development.

Kennedy Drive Capacity

In July 2001 Council resolved that:

1. Council considers amending its policy on road capacity in respect to Kennedy Drive to increase the capacity by 10%.

2. A report be brought forward to the first meeting in August to enable Council to make a decision.

A copy of the report of 1 August 2001 is attached to this agenda however, it summarised that: -
“The Terranora Lakes Resort has lodged an application for an amended consent and if approved will result in the release of 1200 vehicles per day of the previously allocated 2660 vehicles per day allocated to this project. It is expected that the release of 1200 vehicles per day will satisfy demand for up to 3 years based on the current update rate whilst making the previously adopted capacity of 22,000 vehicles per day at Level of Service ‘D’.”

Subsequently the report recommended that the current level of service on Kennedy Drive remains in place.

This recommendation was adopted in August 2001 and since this time Council’s Development Assessment Unit has been keeping account of all applications determined in the Kennedy Drive catchment area to calculate the remaining trips per day.

The remaining capacity of Kennedy Drive catchment currently stands at 485 trips.

The subject Development Application would generate a total of 292.5 trips. By subtracting the subject lands existing credit of 32.5 trips, the proposal is seen to generate an additional 260 vehicle trips from within the catchment.

Therefore, should this application be determined by way of approval, the remaining trips within the Kennedy Drive catchment would be 225.

Additionally Council currently has two other undetermined applications in Council that would affect the remaining trips. Should these applications also be determined by way of approval 192.5 trips would remain within the Catchment.

Therefore, the proposed development is still within the traffic capacity figures and is considered capable of approval based on the local road network.

 Plans of Development
The plans of development are contained within this report.

Section 64 Contributions
It should also be noted that as this matter will now be determined in the 2005/2006 financial year water and sewer contributions have been amended to be consistent with the 2005/2006 fees and charges.

RECOMMENDATION:

That: -

1. Council utilises its assumed concurrence in relation to the State Environmental Planning Policy No. 1 in relation to Clause 21 of the Tweed Local Environmental Plan 2000; and
2. Development Application DA04/1058 for a 45 lot subdivision comprising of 36 urban residential lots and 9 rural residential lots at Lot 1 DP 302949, Lot 1 DP 725165, Lot 5 DP 574986 & Lot 2 DP 30714, No. 38 & 142 McAllisters Road BILAMBIL HEIGHTS be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Figure 3.0 prepared by BlueLand Engineers and dated April 2005, except where varied by these conditions.

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

3. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.

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

5. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

   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
      • road pavement
      • road furnishings
      • stormwater drainage
      • water supply works
      • sewerage works
      • landscaping works
      • sedimentation and erosion management plans
      • location of all service conduits (water, sewer, Country Energy and Telstra)
      • the approved Traffic Control Plan
      • the relevant maintenance manuals (eg. G.P.T's, water pump station)
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.

6. All subdivision works are to be carried out in accordance with the recommendations and guidelines set out in the geotechnical report from Maiden Geotechnics dated July 2004 Job. No. 03/74.

7. This subdivision has not nominated any sites for dual occupancy purposes, therefore, each lot is to be used for single dwelling purposes only, except where attached dual occupancies are permissible in accordance with the Tweed LEP 2000.

8. The applicant is to obtain a 3A permit from the Department of Infrastructure Planning & Natural Resources.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. A detailed plan of landscaping is to be submitted and approved by Council's Director, Planning and Environment prior to the issue of a Construction Certificate.

10. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

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

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.
12. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

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

[PCC0090]

13. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls, prior to the issue of a construction certificate.

[PCC0170]

14. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:

i. Construction along the full length of the proposed subdivision in McAllisters Road, vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and 11 metre wide road pavement from the lip of the new kerb and gutter to the face of the existing kerb and gutter.

ii. Construction of an access street comprising vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and 6 metre wide road pavement measured from the face of the new kerb and gutter.

iii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.

iv. The construction of a Cul de sac at the end of the proposed access road having a minimum radius of 9metres.

v. Construction of an intersection in accordance with Austroads Pt 5 - Intersections at grade at the intersection of the proposed access road and McAllisters Road.

vi. Specific elements for the upgrading of McAllisters Road (and associated drainage and other works) shall be designed and constructed in accordance with the following criteria (proposed lots referred to in this condition are those shown on B&P Surveys "Layout Plan of Lot 1 in DP 725165, Lot 1 in DP 302949, Lot 2 in DP 30714 and Lot 5 in DP 574968 McAllisters Road - Bilambil Heights" Drawing No 12971 B, Rev B 7/4/05).
<table>
<thead>
<tr>
<th>Element</th>
<th>Design Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. General Design Criteria</td>
<td>As per DCP16, Development Design Specification D1 - Road Design and other associated Development Design Specifications, unless amended by this condition.</td>
</tr>
<tr>
<td>2. Scope of Work</td>
<td></td>
</tr>
<tr>
<td>(a) Length to be constructed</td>
<td>From eastern boundary of Lot 2 DP30714 to western boundary of Lot 1 DP 302949, and such additional works as are necessary to merge the newly constructed road with existing road alignment at either end of the works.</td>
</tr>
<tr>
<td>(b) Width of roadworks</td>
<td>Full width construction, but, generally excluding existing kerb and gutter, verge and driveways (except those driveways and associated kerb and gutter adversely impacted) on south side of McAllisters Road</td>
</tr>
</tbody>
</table>
| (c) Cross section and road widening | • Pavement width to be 11m kerb to kerb  
• Verge width north side to be 4m, incorporating 2.5m reinforced concrete footpath/cycleway. Verge to have 2.5% crossfall towards road.  
• The pavement cross section design will incorporate conventional centre crown and 3% crossfall.  
• The southern edge of the pavement shall generally be the edge of the existing kerb and gutter on the southern side of McAllister’s Road.  
• An AC correction layer may be used over the existing sealed pavement to achieve this geometry  
• Elsewhere, the pavement is to be constructed in accordance with the above cross section geometry.  
• Existing driveways (and associated kerb and gutter) adversely impacted by this change in crossfall must be modified to eliminate adverse impacts  
• Dedication of additional road reserve is required within the subdivision to accommodate the above cross section elements |
| 3. Levels | |
| (a) Southern edge of pavement | Levels of the southern edge of the pavement will be generally fixed by the existing kerb and gutter |
| (b) Longitudinal grade | • A sag is not required in the longitudinal gradient of McAllisters Road near proposed Lot 19 to accommodate Q100 overland flow that cannot be accommodated in the piped drainage system. |
| 4. Road Drainage | |
| (a) General Design | As per Development Design Specification D5 - Stormwater Drainage Design |
| (b) Transverse drainage near proposed lots 19 & 21 | The natural watercourse traversing McAllisters Road near this location is to be conveyed under the road by a culvert sized to accommodate Q100 flows. This will include a suitable inlet structure upstream of McAllisters Road. |
| (c) Other Transverse Drainage | Transverse drainage under McAllisters Road is also required  
• near the boundary of proposed lots 2 & 7 and  
• near proposed lot 41 |
| (d) Road Drainage | • Minor system:- Drainage works (inlet pits and pipe systems) are to be provided on both sides of McAllisters Road, for the length of the road adjacent to the subdivision, to capture and convey road and upstream to the transverse/downstream drainage systems. McAllisters Road is to be a major road for the |
purposes of Table 5.09.1 of QUDM.

- Major system flow depths in McAllisters Road shall not exceed those designated in D5 and QUDM. Flow depths from Q100 runoff (including that from upstream catchments) must not exceed the roads overland flow capacity (where lots are lower than road, generally max 200mm flow depth in gutter if footpath 100mm higher than kerb and flows contained).

| (e) Upstream catchments | Sufficient capacity is to be provided in McAllisters Road transverse and longitudinal drainage systems to capture concentrated and overland flow from catchments upstream of McAllisters Road. These drainage systems shall be sized to cater for runoff from these upstream catchments when they are developed to their ultimate capacity in accordance with the current zoning of the land. |

5. Retaining Walls

| (a) General | The edge of the formation of McAllisters Road may be supported by retaining walls. Such walls shall be located within private subdivision lots. An easement for support shall be created over the footprint of such retaining walls granting Council the right (but not the obligation) to repair such retaining walls if their condition becomes a threat to public land. |

| (b) Guardrail | Guardrail is required behind the kerb and gutter where retaining walls support the McAllisters Road formation. |

| (c) Safety barriers | Appropriate pedestrian safety barriers are required at the top of retaining walls supporting the McAllisters Road formation. |

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

16. The Engineering Plans required by this consent shall include details of settling ponds and the method of discharging the return water from the site. The design shall comply with the requirements of "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development", Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
17. Permanent Stormwater Quality Treatment

(a) Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.

(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

(d) Specific requirements:

(i) Downstream of the transverse drain under McAllisters Road near proposed lots 19 & 21, a drainage reserve (then easement through proposed lot 45) and drainage works (open channel, pipes or a combination) are to be provided within the subdivision to accommodate Q100 flows and convey them to a lawful point of discharge.

(ii) Downstream of the transverse drains under McAllisters Road
   • near the boundary of proposed lots 3 & 7 and
   • near proposed lot 41
drainage easements and drainage works (open channel, pipes or a combination) are to be provided within the subdivision to convey runoff to a lawful point of discharge.

(iii) The drainage systems in (i) and (ii) shall be sized to cater for runoff from upstream catchments when they are developed to their ultimate capacity in accordance with the current zoning of the land.

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

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

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

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

19. A detailed site contamination report is to be provided which is prepared in strict accordance with the provisions of the NSW EPA's Contaminated Site "Guidelines for Consultants Reporting on Contaminated Sites" November 1997 and Council Contaminated Land Policy.

Note:-
1. It is a requirement of these Guidelines that all contamination reports include a clear statement from the consultant as to the suitability or otherwise of the subject site for the proposed use, together with a statement detailing all limitations and constraints that are applicable in relation to the use of the site.
2. Any contamination report that does not provide and follow the recommended report sections and information requirements as specified within the Guidelines will be returned on the basis of insufficient information provided.
3. Other relevant or applicable EPA Guidelines are to be used as appropriate.

20. Erosion and Sediment Control During the Construction Phase of Development
(a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.

(b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality. 

21. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

i) Contours and terraces where the height exceeds 1m.

ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.

iii) 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.

iv) 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.

v) The landscaping shall be completed to the satisfaction of the Director Planning and Environment PRIOR to the issue of a Subdivision Certificate.
vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or $3000 whichever is the greater.

22. Prior to the issue of a Construction Certificate a site audit statement/s (SAS) certifying that the subject sites (Lot 1 DP 302949, Lot 1 DP 725165, Lot 5 DP 574986 and Lot 2 DP 30714) are suitable for the proposed land use and are to be issued and submitted to Council. These SAS’s are to be issued in accordance with the requirements of the Contaminated Land Management Act 1997. If a long term Site Management Plan (SMP) is required to allow the proposed land use, the requirements of the SMP/S will form part of this consent.

In circumstances where the requirements of the SMP/S is not consistent with Development Consent DA04/1058 the consent shall prevail to the extent of inconsistency and a Section 96 application pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 will be required.

PRIOR TO COMMENCEMENT OF WORK

23. Subdivision work in accordance with a development consent must not be commenced until:-
   (a) a construction certificate for the subdivision work has been issued by:
       (i) the consent authority, or
       (ii) an accredited certifier, and
   (b) the person having the benefit of the development consent:
       (i) has appointed a principal certifying authority, and
       (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
   (c) the person having the benefit of the development consent has given at least 2 days’ notice to the council of the person’s intention to commence the subdivision work.

24 Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
25. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the site is prohibited.

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

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

27. Prior to start of building works provide a certificate of adequacy, signed by a practising Structural Engineer on the proposed rock retaining wall. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall.

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

29. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Planning and Environment.

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

31. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering & Operations Division prior to taking water.

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

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


DURING CONSTRUCTION

33. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.

34. No soil, sand, gravel, clay or other material shall be disposed of off the site.
35. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

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

37. 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.

38. 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:-

(i) Compliance Certificate - Roads
(ii) Compliance Certificate - Water Reticulation
(iii) Compliance Certificate - Sewerage Reticulation
(iv) Compliance Certificate - Sewerage Pump Station
(v) Compliance Certificate - Drainage

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council 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.

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

39. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
   a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
c. That the pavement layers have been compacted to RTA specifications.
d. That site fill areas have been compacted to the specified standard.
e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

40. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

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

42. Construction of the right of carriageway serving lots: -
- 2, 5 and 6
- 4 and 7 to 9
- 10 to 14
- 15 to 19
- 42 to 44, and
- Proposed sewerage pumping station

to a minimum concrete/bitumen sealed standard, in accordance with the provision of DCP16 - Subdivision Manual.

43. The concrete driveway across the footpath is to be constructed in accordance with the approved plan dimensions and be a minimum of 150 millimetres thick reinforced with F62 mesh.

44. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
45. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director, Engineering & Operations and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.

[DUR0500]

46. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

[DUR0510]

47. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire length of the proposed access road and a concrete ribbon footpath/cycleway 2.5 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire length of the frontage in McAllisters Road. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering & Operations Division prior to concrete being placed.

[DUR0520]

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

[DUR0530]

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

[DUR0550]

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

[DUR0580]

51. i. Dedication of the proposed drainage reserve at no cost to Council.

ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.
Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

52. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.

53. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.

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

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

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

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

ii. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate (form 13) to allow the land to be classified.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.
56. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

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

58. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

59. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

60. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

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

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

A. Short Term Period - 4 weeks.
   L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

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

63. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
64. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.

65. 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 to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

66. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

67. 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:

Water: 42.4 ETs @ $9994 $423,745.60
Sewer: 42.4 ETs @ $2634 $107,994.00

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.
68. Section 94 Contributions

(i) 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.

a. Tweed Road Contribution Plan: $180,114.00

S94 Plan No. 4 (Version 4.0)
(Sector 4_4)

Heavy Haulage Component

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

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

where:

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

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Dist.</td>
<td>average haulage distance of product on Shire roads (trip one way)</td>
</tr>
<tr>
<td>$Unit</td>
<td>the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)</td>
</tr>
<tr>
<td>Admin.</td>
<td>Administration component - 5% - see Section 6.5</td>
</tr>
<tr>
<td>b. Open Space (Structured): S94 Plan No. 5</td>
<td>$31,980.00</td>
</tr>
<tr>
<td>c. Open Space (Casual): S94 Plan No. 5</td>
<td>$6,847.00</td>
</tr>
<tr>
<td>d. Street Trees: S94 Plan No. 6</td>
<td>$1,758.90</td>
</tr>
<tr>
<td>e. Shirewide Library Facilities: S94 Plan No. 11</td>
<td>$28,208.00</td>
</tr>
<tr>
<td>f. Bus Shelters: S94 Plan No. 12</td>
<td>$943.00</td>
</tr>
<tr>
<td>g. Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13</td>
<td>$5,166.00</td>
</tr>
<tr>
<td>h. Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16</td>
<td>$8,815.00</td>
</tr>
<tr>
<td>i. Extensions to Council Administration Offices &amp; Technical Support Facilities S94 Plan No. 18</td>
<td>$14,137.21</td>
</tr>
<tr>
<td>j. Cycleways S94 Plan No. 22</td>
<td>$6,560.00</td>
</tr>
<tr>
<td>k. Regional Open Space (Structured) S94 Plan No. 26</td>
<td>$48,257.00</td>
</tr>
<tr>
<td>l. Regional Open Space (Casual) S94 Plan No. 26</td>
<td>$9,061.00</td>
</tr>
</tbody>
</table>
69. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA04/1058 have been complied with.

70. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

   i. Easements for sewer, water supply and drainage over ALL services on private property.
   ii. Rights of carriageway to lots 2, 4 to 19, 42 to 44 and the proposed sewerage pumping station.
   iii. Easement for support over retaining walls granting adjoining owners the right but not the obligation to repair.

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.

71. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for verbal approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

72. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.

73. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Councils Surveyor within two months of the issue of the Subdivision Certificate.
74. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. 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.

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

(i) The following information must accompany an application:
· 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.
· relevant development consent
· detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
· evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
· a certificate of compliance from the relevant water supply authority (where applicable)
· for subdivision involving subdivision works evidence that:
   · the work has been completed, or
   · agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
   · security given to the consent authority with respect to the completion of the work
· Work as Executed Plans for ALL works

(ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.

(iii) Written evidence from Council that the proposed road/street names have been approved.

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.
76. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

(i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;

(ii) the plans accurately reflect the Work as Executed.

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

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

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

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

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director, Engineering & Operations.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.
79. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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. [PSC0150]

80. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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. [PSC0160]

81. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply. [PSC0170]

82. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential and rural residential) has been completed; and

ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council. [PSC0190]

83. 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 to the satisfaction of the Director Planning and Environment. [PSC0220]
84. (i) PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council’s Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

(ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

GENERAL TERMS OF APPROVAL

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

1. Soil disturbance in the natural drainage lines is to kept to the minimum necessary.
2. Any disturbance is to undertaken to ensure there is no reduction in the channel capacity of the drainage lines. Their capacity must be able to safely transmit the Q100 run-off events.
3. The works area shall be revegetated to reduce erosion potential as soon as works are completed.
4. Sediment control measures shall be provided for the duration of works and until the site is stabilised.
5. Vegetation native to the local area only is to be used in the revegetation program (except grasses for initial soil stabilisation)
6. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent bed and banks.
7. Any structural works shall be secure to withstand flow velocities at the bank-full discharge of the stream.
8. No materials shall be used that may pollute the downstream watercourses.
9. No materials may be used that may create a risk to public safety.
10. All scrub, undergrowth and timber removed from the area of operation shall be disposed of so that the debris cannot be swept back into the stream during a flood.
11. If, in the opinion of any officer of the Department of Infrastructure, Planning and Natural Resources, any work is being carried out in such a manner that it may damage or detrimentally affect the stream, or damage or interfere in any way with any work, the operation in that section of the said stream shall cease forthwith upon written or oral direction of such officer.

12. A copy of the permit shall be made available to officers of the Department upon request.

13. The site shall be restored and revegetated to the satisfaction of the Department of Infrastructure, Planning and Natural Resources.

14. The permit holder and the owner or occupier of the land are responsible for any excavation, removal or placement of material or construction of works undertaken by any other person or company at the site.

15. This permit is not transferable to any other person or Company and does not allow operations at any other site.

16. This permit does not allow an extractive industry at the site.

17. If the permit conditions have been breached, the permit holder shall restore the site to the satisfaction of the Department. If the works as directed are not completed then the permit holder shall pay a fee prescribed by the Department.

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. Asset Protection Zones shall be applied to the proposed development as identified on drawing 04002C prepared by Bushfire Safe Services dated June 2004.

2. All APZ's shall be managed as an Inner Protection Area as required by Section 4.2.2(b) of Planning for Bushfire Protection 2001.

3. Property access to proposed lots shall have a minimum paved surface of 3.5 metres.
REPORT:

DEVELOPMENT PLANS:

[Diagram of development plans]
UNDER SEPARATE COVER/FURTHER INFORMATION:
