

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Minutes

Planning Committee Meeting Thursday 4 April 2019

held at
Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads
commencing at 5.30pm

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**

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

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),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 in 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.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(2) **Compliance with non-discretionary development standards—development other than complying development.**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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The Meeting commenced at 5.33pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

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

PRAYER

The meeting opened with a Prayer read by the Father Anthony Lemmon, Sacred Heart Parish, Murwillumbah.

*"Lord, make me an instrument of your peace:
where there is hatred, let me sow love;
where there is injury, pardon;
where there is doubt, faith;
where there is despair, hope;
where there is darkness, light;
where there is sadness, joy.*

*O divine Master, grant that I may not so much seek
to be consoled as to console,
to be understood as to understand,
to be loved as to love,
For it is in giving that we receive,
it is in pardoning that we are pardoned,
and it is in dying that we are born to eternal life.*

Amen."

APOLOGIES

Attendee Cr R Byrnes has informed the General Manager that his absence is caused by business outside the Shire.

P 13

Cr K Milne
Cr C Cherry

RESOLVED that the apology of Cr R Byrnes be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

DISCLOSURE OF INTEREST

Cr C Cherry declared a Non-Significant, Non-Pecuniary Interest in Item 1 [PR-PC] Development Application DA18/0864 for Alterations and Additions to Existing Caravan park at Lot 4 Sec 1 DP 31209; No. 10 Cypress Crescent; Lot 1 Sec 1 DP 29748; Lot 2 Sec 1 DP 29748; Lot 3 Sec 1 DP 29748; No. 2-6 Tweed Coast Road Cabarita Beach. The nature of the interest is that Cr C Cherry's family runs a caravan park within the Shire. Cr C Cherry will manage the Interest by leaving the Chamber and not voting the item.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

SUSPENSION OF STANDING ORDERS

P 14

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Item 3 [PR-PC] Wardrop Valley Masterplan Review of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

3 **[PR-PC] Wardrop Valley Masterplan Review**

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Cr P Allsop
Cr J Owen

RECOMMENDED that Council endorse:

1. The concept rezoning scheme as detailed in the *Wardrop Valley Master Plan*, prepared by RPS (January 2019 – Dwg.136593-05C), is supported for the purpose of informing a Planning Proposal to seek a rezoning of the subject lands;
2. The Proponent(s) must agree on a legally enforceable and binding approach, that is workable with the *Environmental Planning and Assessment Act 1979*, to ensure that future individual lots or buildings incorporate sustainable energy systems to provide or substantially supplement their energy demand that is consistent with the recommendations of the Master Planning Proposal, Solar Feasibility report prepared by ECL Power Services dated July 2018; and
3. A planning proposal over Area 6 in alignment with the endorsed master-plan be prepared and submitted for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act, 1979*, describing the strategic intent and justification for the rezoning amendment and detailing the studies to be undertaken prior to any public exhibition of the proposal.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

RESUMPTION OF STANDING ORDERS

P 16

Cr K Milne
Cr P Allsop

RESOLVED that Standing Orders be resumed.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes

Cr C Cherry temporarily left the meeting at 05:56 PM.

- 1 **[PR-PC] Development Application DA18/0864 for Alterations and Additions to Existing Caravan park at Lot 4 Sec 1 DP 31209; No. 10 Cypress Crescent; Lot 1 Sec 1 DP 29748; Lot 2 Sec 1 DP 29748; Lot 3 Sec 1 DP 29748; No. 2-6 Tweed Coast Road Cabarita Beach**

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interest is that Cr C Cherry's family runs a caravan park within the Shire. Cr C Cherry will manage the Interest by leaving the Chamber and not voting on the item.

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Cr P Allsop
Cr W Polglase

RECOMMENDED that:

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.
- B. Development Application DA18/0864 for alterations and additions to existing caravan park at Lot 4 Sec 1 DP 31209; No. 10 Cypress Crescent; Lot 1 Sec 1 DP 29748; No. 2 Tweed Coast Road; Lot 2 Sec 1 DP 29748; No. 4 Tweed Coast Road; Lot 3 Sec 1 DP 29748; No. 6 Tweed Coast Road Cabarita Beach be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by North Shore No 1 Pty Ltd and dated October 2018 and the following plan prepared by North Shore 1 Pty Ltd, except where varied by the conditions of this consent:
 - Site Plan Dwg 001 Rev 3 dated 13 March 2019;
 - Site Plan Dwg 001 Rev 3 dated 13 March 2019 - with site designation (as annotated by Council);
 - Ablution/reception floor plan Drg CB001 Rev 1 dated 22 February 2019;
 - Multi-purpose building / communal kitchen floor plan Drg CB002 Rev 1 dated 22 February 2019;
 - Ablution/reception elevations plan Drg CB003 Rev 1 dated 22 February 2019;
 - Ablution/reception elevations plan Drg CB004 Rev 1 dated 22 February 2019;
 - Multi-purpose building / communal kitchen elevations plan Drg CB005 Rev 1 dated 22 February 2019; and
 - Multi-purpose building / communal kitchen elevations plan Drg CB006 Rev 1 dated 22 February 2019.

[GEN0005]
2. All signage proposed to be illuminated is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

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

[GEN0300]

6. A minimum 3.0 metre easement shall be created over the existing sewer on the lot.

[GENNS01]

7. While the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities, the applicant must have regard to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia.

[GENNS02]

8. An application is to be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for all water, sewerage drainage works inclusive of such works carried out without Council Approval. This application is to include work as executed drainage plans and certification in respect of AS 3500 by a licenced plumber.

[GENNS03]

9. The caravan park shall be constructed and operated in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

10. The total number of sites shall not exceed 23, comprising of 14 short term sites and 9 camping sites in accordance with Cabarita Beach Caravan Park Site Plan (Dated 13/03/2019, Drawing Number 001, Rev.3).

11. Only tents or campervans may be installed on camp sites.

12. Caravans and tents shall not be placed closer than 2 metres to the boundary of the caravan park.

13. Only a moveable dwelling that is ordinarily used for holiday purposes may be installed on short term sites.

14. The camp kitchen area and multi-purpose building shall not be used for the commercial preparation of food.

[GENNS04]

15. Ten (10) on-site parking spaces are to be provided, generally in accordance with the Site plan Drg 001 Rev 3 dated 13 March 2019, with seven (7) spaces signposted and reserved visitors and three (3) spaces allocated to camp site nos 7, 8 and 9.

16. This consent does not authorise the site perimeter fencing shown on Site Plan Dwg 001 Rev 3 dated 13 March 2019.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

17. 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 "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: NIL

Sewer: NIL

[PCC0265]

18. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Widening the vehicular accesses to Cypress Crescent to a minimum of 7m at the site boundary.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable).

[PCC0895]

19. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

20. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the

service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

21. Prior to release of the Construction Certificate:

(a) A Building Information Certificate is to be obtained from Tweed Shire Council in respect of the following:

- Building 1. Ablution Block;
- Building 3. Office/reception; and
- Building 5. Storage building and associated works.

The Building Information Certificate application is to include a contract price in respect of all subject buildings, as built survey report identifying all buildings and setbacks from subject boundaries, a comprehensive BCA Compliance Report including all relevant certification to demonstrate BCA compliance, and certification in respect of compliance with the General Terms of Approval from the NSW Rural Fire Service dated 5 February 2019.

These reports are to be produced by an appropriately qualified building surveyor, building practitioner or bush fire consultant to the satisfaction of Tweed Shire Council.

Any remedial works will be subject to a construction certificate, and

(b) A Comprehensive BCA Compliance Report including all relevant certification to demonstrate BCA compliance, and certification in respect of compliance with the General Terms of Approval from the NSW Rural Fire Service dated 5 February 2019 is to be submitted to and approved by the nominated PCA in respect of the remaining works and rectification works on the site including but not limited to the following buildings:

- Building 2. Multi-Purpose Building and associated works; and
- Building 4. Communal Kitchen Area and associated works.

All remaining and remedial works are to be identified and BCA compliant designs submitted.

[PCCNS02]

22. Prior to the issue of the Construction Certificate, details of the proposed boundary fencing on the site perimeter and the proposed screening to amenity buildings/site facilities shall be submitted to the satisfaction of the General Manager or his delegate. All fencing and screening shall comply with the requirements of Appendix 5 of 'Planning for Bush Fire Protection 2006' and be constructed of non-combustible materials. The use of colorbond fencing is not permitted on the Tweed Coast Road frontage or Cypress Crescent frontage.

PRIOR TO COMMENCEMENT OF WORK

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

[PCW0005]

24. An application is to be made to Council to temporarily “cap off” the existing building sewerage house drainage from Council's sewerage system, prior to any further demolition work commencing. A Plumbing and Drainage Works on Private Land

<<http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSepticForm.pdf>> application form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges.

[PCW0045]

25. 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
 - (i) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

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

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

[PCW0255]

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

[PCW0665]

29. 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 modification of the existing 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.

[PCW1170]

DURING CONSTRUCTION

30. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

31. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

32. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act 1974.

[DUR0025]

33. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:
Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays
The proponent is responsible to instruct and control subcontractors regarding hours of work.
[DUR0205]
34. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).
[DUR0375]
35. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
[DUR0395]
36. 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 6.6 of the Environmental Planning and Assessment Act 1979.
[DUR0405]
37. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.
[DUR0415]
38. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
39. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.
[DUR1685]
40. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the

Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

41. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]
42. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]
43. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]
44. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]
45. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section 15 - Waste Minimisation and Management.

[DUR2195]
46. 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; and
 - (d) completion of work and prior to occupation of the building.

[DUR2485]
47. Plumbing
 - (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]
48. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational

function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

49. 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:
- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.

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

[DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

50. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

51. A noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details how noise from onsite activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. Such management plan shall be submitted and approved prior to the issue of the occupation certificate.

[POC0125]

52. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

53. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

54. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

55. The lots are to be consolidated into one lot under one title. The plan of consolidation shall be registered with the Land and Property Information (LPI) (formerly the Lands Titles Office), prior to issue of an Occupation Certificate.

[POC0855]

56. 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 (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

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.

[POC0860]

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

[POC1045]

58. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

59. Prior to the issue of the Occupation Certificate, an Operational Plan of Management to be submitted to the General Manager or his delegate for approval. This plan shall reflect the approved site layout and traffic management measures and shall address, but not be limited to, the following matters:

- (a) Hours of operation including standard check-in/check-out period, details of access gate closure, etc.
- (b) Staffing and management arrangements.
- (c) Maintenance of a resident and guest register which is to be made available to Council on request.
- (d) Traffic and pedestrian management measures including allocation of car parking spaces on site, details of pedestrian and vehicular access afterhours, etc.
- (e) Noise management measures for the use of communal kitchen, multi-purpose building and ablutions block.
- (f) Establishment of a Complaint Management System for complaints in relation to the operation of the caravan park, which includes details of the following:
 - All hours contact details for site manager to be provided to adjacent residents;
 - Process for recording, investigating and reporting on complaints; and
 - Maintenance of a complaints register which is to be stored on the site and made available to Council on request.

[POCNS01]

60. The occupation certificate is to be issued concurrently with the Approval to Operate a Caravan Park or Camping Ground under Section 68 of the Local Government Act.

[POCNS04]

61. Prior to the issue of an occupation certificate evidence is to be submitted to Tweed Shire Council demonstrating the signage has been secured appropriately.

[POCNS05]

USE

62. 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 and odours or the like.

[USE0125]

63. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

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

[USE0175]

65. The use of community amenities (communal kitchen & multipurpose building) is restricted to the hours of 7.00am to 10.00pm on any day.

[USE0185]

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

[USE0225]

67. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

68. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

69. The development shall operate in accordance with the Plan of Management approved under this consent.

[USENS01]

70. The land is not to be used for any commercial purpose other than a caravan park.

This exclusion includes the use of the site as a function centre or for the hosting of events.

[USENS02]

71. The speed limit applicable to an access road:
- (a) must not exceed 15 kilometres per hour, and
 - (b) must be indicated by means of conspicuous signs.

[USENS03]

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

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

2. Water, electricity (new) and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal access shall comply with the following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006':
 - internal roads are two-wheel drive, allweather roads;
 - traffic management devices are constructed to facilitate access by emergency services vehicles;
 - a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches, is provided;
 - curves have a minimum inner radius of six metres and the minimum distance between inner and outer curves is six metres;
 - crossfall of the pavement is not more than 10 degrees;
 - roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge);
 - roads are clearly signposted and bridges clearly indicate load ratings;

- the internal road surfaces and bridges have a capacity to carry fully loaded firefighting vehicles (15 tonnes).

4. Any gate / lock system on the Tweed Coast Road access is to be provided in consultation with the local NSW Rural Fire Service.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to commencement of the development. The plan shall include, but is not limited to, the following:
- short-term sites are not to be occupied on days with an 'extreme' or 'catastrophic' fire danger rating;
 - contact details for the local Rural Fire Service office;
 - procedures for co-ordinated evacuation of the site in consultation with local emergency services.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. Construction of the amenities, office and storage buildings shall comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
7. Construction of the camp kitchen and multi-purpose buildings shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

8. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

C. That a Penalty Infringement Notice (\$6,000) be issued to the owners of the site being North Shore No 1 Pty Ltd for undertaking development without consent.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Cherry, Cr R Byrnes

Cr C Cherry has returned from temporary absence at 05:59 PM

2 [PR-PC] Planning Proposal PP19/0003 a Site-Specific Amendment to Lot 30 DP 820048 No. 751 Eviron Road, Eviron

P 18

Cr W Polglase

Cr P Allsop

RECOMMENDED that Council endorse:

1. The preparation of a draft planning proposal seeking an amendment to the Tweed Local Environmental Plan 2014, by way of a new Schedule 1 Additional Permitted Use for the purposes of a Council Pound on Lot 30 DP 820048 No. 751 Eviron Road, Eviron;
2. Once finalised, the draft planning proposal is to be referred to the NSW Department of Planning and Environment for Gateway Determination, in accordance with s3.34 of the Environmental Planning and Assessment Act 1979;
3. On receipt of the Minister's Gateway Determination Notice to continue, any Gateway conditions or other identified study or work is to be duly completed and included within the material for public exhibition;
4. Public exhibition is to occur for a period of not less than 28 days; and
5. Submissions received during public exhibition are to be reported to Council at the earliest time and detailing the issues raised and a recommended planning response.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr R Byrnes

4 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

P 19

Cr W Polglase

Cr C Cherry

RECOMMENDED that Council notes the March 2019 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr R Byrnes***

There being no further business the Planning Committee Meeting terminated at 6.03pm.

