



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

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

Minutes

Planning and Regulation Report Tuesday 16 August 2011

held at Murwillumbah Cultural and Civic Centre
commencing at 3.30pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 3.30pm.

IN ATTENDANCE

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

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer), Mr Richard Adams (Manager Business & Economic Development) and Mrs Kerrie McConnell (Minutes Secretary).

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

10 [PR-CM] Amendment to Item 18 of Tweed Shire Council's 2011/2012 Fees and Charges

456

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. Council notes the proposal to amend the Fees and Charges 2011/2012 by the addition to Item 18 Clause (2) of the following:
 - (a) in the case of an application with respect to a development application that involves the erection of a dwelling-house or structures associated with a single dwelling house, the proposed fee be \$190.00.
2. Council advertises the amendment to Item 18 of the Fees and Charges 2011/2012 and calls for submissions, for a period of 28 days and prepares a report for formal adoption following the expiration of the public submission period.

The Motion was **Carried**

FOR VOTE - Unanimous

- 11 [PR-CM] Draft Tweed LEP 2000 Amendment No. 35, Lot 1 & 6 DP 9042, Lot 14 DP 733411 Dry Dock Road, Tweed Heads South and Application to Convert the LEP to a Planning Proposal

457

Cr W Polglase
Cr J van Lieshout

RESOLVED that the report on Draft Tweed LEP 2000 Amendment No. 35, Lot 1 & 6 DP 9042, Lot 14 DP 733411 Dry Dock Road, Tweed Heads South and Application to Convert the LEP to a Planning Proposal be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

- 12 [PR-CM] Request to Prepare a Planning Proposal PP11/0002 - Pottsville Employment Land

458

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. The Planning Proposal for Lot 12 DP 1015369 Kudgerie Avenue, Cudgera Creek be referred to the Department of Planning and Infrastructure for a 'Gateway' determination under Section 56 of the *Environmental Planning and Assessment Act 1979*.
2. Any Ministerial conditions imposed on any Gateway Determination approval be complied with prior to a further report to Council.
3. Any fees arising in association with the preparation of the Planning Proposal shall be recovered from the Proponent in accordance with the *Environmental Planning and Assessment Regulation 2000* - Reg 11 and Council's adopted Fees and Charges Schedule, including all charges and disbursements incurred by Council arising in association with the preparation and execution of a Voluntary Planning Agreement.
4. Any fees arising in association with the preparation of a Development Control Plan prepared in response to a rezoning of Lot 12 DP 1015369 shall be recovered from the Proponent in accordance with the *Environmental Planning and Assessment Regulation 2000* - Reg 25AA(2) &(3) and Council's adopted Fees and Charges Schedule.

5. Any required vegetation restoration management plan and/or the proponent's commitment to undertake environmental restorative works shall be included within the Voluntary Planning Agreement being prepared in relation to the proponent's commitment to provide waste-water management supply infrastructure for the industrial development and use of the site.
6. The Voluntary Planning Agreement being prepared in relation to the proponent's commitment and Council's requirement to provide a stand-alone private wastewater disposal utility scheme and corresponding requirement for a prior licence under the Water Industry Competition Act 2006 (WIC Act) administered by the Independent Pricing and Regulatory Tribunal (IPART) is to require that the licence be obtained following an amendment to the zoning under the Tweed Local Environmental Plan and prior to the lodgement of any development application, in accordance with the *Environmental Planning and Assessment Regulation 2000 - Reg 25C* and the *Environmental Planning and Assessment Act 1979 - Sect 93F*.
7. The Voluntary Planning Agreement once agreed to by the parties be publicly notified in accordance with the *Environmental Planning and Assessment Act 1979 - Sect 93D, F, G & L*.
8. The Voluntary Planning Agreement be registered against the land in accordance with the *Environmental Planning and Assessment Act 1979 - Sect 93H*, prior to the final planning proposal being submitted to the Minister for the environmental planning instrument amendment to be made.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

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

459

Cr K Milne

Cr J van Lieshout

RESOLVED that Council notes the July 2011 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [PR-CM] Unauthorised Activity - Poultry Farm at Lot 1 DP 881996 No. 576 Cudgen Road, Cudgen

460

Cr D Holdom

Cr W Polglase

RESOLVED that:

1. ATTACHMENTS 1 to 12 are CONFIDENTIAL in accordance with Section 10A(2)(a) because it contains personnel matters concerning particular individuals (other than councillors).
2. Council engages its Solicitors to enforce compliance by removal of unauthorised building works (sheds and pens) and cessation of unauthorised land use ("animal establishment") on the premises known as No. 576 Cudgen Road, Cudgen (Lot 1 DP881996).

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Class 1 Appeal in relation to Development Consent DA06/0897.01 for an Amendment to Development Consent DA06/0897 for a Nine (9) Lot Subdivision, Alterations to the Approved Lot Sizes, Realignment of the Road and the Staging of the Development int

461

Cr W Polglase

Cr P Youngblutt

RESOLVED that the report on Class 1 Appeal in relation to Development Consent DA06/0897.01 for an Amendment to Development Consent DA06/0897 for a Nine (9) Lot Subdivision, Alterations to the Approved Lot Sizes, Realignment of the Road and the Staging of the Development into Two (2) Stages at Lot 1 DP 601049 & Lot 1 DP 1084992; No. 15 Tanglewood Drive, Tanglewood be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

- 16 [PR-CM] Development Application DA10/0160 for a Change of Use from Motel to Combined Motel and Permanent Residential Apartments at Lot 9 DP 1094335; No. 77 Tamarind Avenue, Bogangar

462

Cr W Polglase
Cr J van Lieshout

RESOLVED that Item 16 item of the Ordinary Agenda be moved to the Confidential Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

- 17 [PR-CM] Development Application DA10/0653 for a Two (2) Lot Subdivision at Lot 1 DP 1117675; No. 132 Chinderah Bay Drive, Chinderah

463

Cr W Polglase
Cr D Holdom

RESOLVED that Development Application DA10/0653 for a two (2) lot subdivision at Lot 1 DP 1117675; No. 132 Chinderah Bay Drive, Chinderah be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

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

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

"SCHEDULE "A"

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

- A. All lot owners benefited or burdened by the existing right of carriageway (Lots 1 to 6 DP 1117675) are to agree in writing to amend the existing 88B instrument to allow for an additional allotment to gain access via the existing right of carriageway and for additional works to be completed on the right of carriageway as per plan titled "existing and proposed driveways, Chinderah Bay Drive, Chinderah – Lot 1 DP 1117675" prepared by Planit Consulting, dated 06/2011.

SCHEDULE B

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

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No. Chindbayrd_sub_02 titled existing and proposed driveways, Chinderah Bay Drive Chinderah – Lot 1 DP1117675 and dated 06/2011, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

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

[GEN0135]

4. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Community and Natural Resources Division for approval of such works.

[GEN0155]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

[PCC0275]

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

[PCC0285]

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

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

[PCC0485]

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

(a) copies of compliance certificates relied upon

(b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/furnishings
- stormwater drainage
- water supply works
- sewerage works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

[PCC0985]

9. Permanent stormwater quality treatment shall be provided in accordance with the following:

(a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

(b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.

(c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

10. Erosion and Sediment Control shall be provided in accordance with the following:

(a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.

- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

11. 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]

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

- (a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:

- (i) the consent authority, or
- (ii) an accredited certifier, and

- (b) the person having the benefit of the development consent:

- (i) has appointed a principal certifying authority,
- (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
- (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

13. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

[PCW0985]

DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

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

[DUR0815]

18. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

19. 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]

20. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

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

[DUR1025]

22. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

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

[DUR1795]

24. 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.

[DUR1875]

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

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Formwork/reinforcement
- (c) Final inspections - on maintenance
- (d) 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

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

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

[DUR1895]

26. 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]

27. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

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

[DUR2285]

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

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

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

[DUR2375]

30. The site shall not be dewatered, unless separate written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate. All works shall comply with the approved dewatering management plan.

[DUR2425]

31. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l.

[DUR2435]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

33. 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 DSP5:	1 ET @ \$11571 per ET	\$11571
Sewer Kingscliff:	1 ET @ \$5560 per ET	\$5560

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

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

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

[PSC0165]

34. Section 94 Contributions

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

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

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

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

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

- (a) Tweed Road Contribution Plan:

6.5 Trips @ \$861 per Trips \$5597

(\$782 base rate + \$79 indexation)

S94 Plan No. 4

Sector6_4

-
- (b) West Kingscliff - Drainage:
 0.0375 HA @ \$58148 per HA \$2180.55
 (\$2980.1 base rate + \$55167.9 indexation)
 DCP Section B4
 S94 Plan No. 7
 - (c) Shirewide Library Facilities:
 1 ET @ \$792 per ET \$792
 (\$792 base rate + \$0 indexation)
 S94 Plan No. 11
 - (d) Bus Shelters:
 1 ET @ \$60 per ET \$60
 (\$60 base rate + \$0 indexation)
 S94 Plan No. 12
 - (e) Eviron Cemetery:
 1 ET @ \$120 per ET \$120
 (\$101 base rate + \$19 indexation)
 S94 Plan No. 13
 - (f) Extensions to Council Administration Offices
 & Technical Support Facilities
 1 ET @ \$1772.82 per ET \$1772.82
 (\$1759.9 base rate + \$12.92 indexation)
 S94 Plan No. 18
 - (g) Cycleways:
 1 ET @ \$451 per ET \$451
 (\$447 base rate + \$4 indexation)
 S94 Plan No. 22
 - (h) Regional Open Space (Casual)
 1 ET @ \$1042 per ET \$1042
 (\$1031 base rate + \$11 indexation)
 S94 Plan No. 26
 - (i) Regional Open Space (Structured):
 1 ET @ \$3656 per ET \$3656
 (\$3619 base rate + \$37 indexation)
 S94 Plan No. 26

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

[PSC0725]

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

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

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

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

[PSC0735]

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

[PSC0825]

38. 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.
- (b) Right of carriageway.

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.

[PSC0835]

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

[PSC0855]

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

The following information must accompany an application:

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

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

[PSC0885]

41. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-
 - (a) Compliance Certificate - Roads
 - (b) Compliance Certificate - Water Reticulation
 - (c) Compliance Certificate - Sewerage Reticulation
 - (d) Compliance Certificate - Drainage

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

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

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

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

[PSC1065]

43. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

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

[PSC1115]

44. The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment.

[PSC1185]

45. All existing easements are to be shown on the plan of subdivision.

[PSCNS01]

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

1. Electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006' for proposed Lots A & B.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

- 18 [PR-CM] Development Application DA10/0766 for Drainage, Shed, Stables, Horse Training Track and Fencing at Lot 1 DP 789618, No. 138 Cobaki Road, Cobaki

464

Cr J van Lieshout

Cr W Polglase

RESOLVED that Item 18 [PR-CM] Development Application DA10/0766 for Drainage, Shed, Stables, Horse Training Track and Fencing at Lot 1 DP 789618, No. 138 Cobaki Road, Cobaki be deferred so the applicant can address councillors.

The Motion was **Carried**

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

AGAINST VOTE - Cr D Holdom, Cr B Longland