



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Minutes

Planning Committee Meeting Thursday 6 March 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C
79C 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 Director-General 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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, 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.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

(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 80 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 80 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 85A (3) and (4).

- (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 5.08pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Mr Michael Chorlton (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Ms Ann Mesic (Minutes Secretary).

Cr W Polglase has informed the General Manager that his absence is caused by attending discussions in Canberra.

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 Mayor.

CONFIRMATION OF MINUTES

1 [CONMIN-PC] Confirmation of Minutes of the Ordinary Planning Committee Meeting held on Thursday 6 February 2014

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**Cr M Armstrong
Cr W Polglase**

RECOMMENDED that the Minutes of the Ordinary Planning Committee Meeting held Thursday 6 February 2014 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

APOLOGIES
Cr W Polglase

Cr C Byrne
Cr P Youngblutt

RESOLVED that the apology of Cr W Polglase be accepted and the necessary leave of absence be granted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Significant, Non-Pecuniary Interest in Items 4 and 5. The nature of the interest is that Cr K Milne is involved in a defamation legal matter with LEDA Developments. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR-PC] Schedule of Outstanding Resolutions

That the Schedule of Outstanding Resolutions was received and noted.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

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Cr P Youngblutt
Cr C Byrne

RECOMMENDED that Council notes there are no variations for the month of February 2014 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

- 4 [PR-PC] Development Application DA10/0800.03 for an Amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Significant, Non-Pecuniary Interest in Items 4 and 5. The nature of the interest is that Cr K Milne is involved in a defamation legal matter with LEDA Developments. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

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Cr C Byrne
Cr P Youngblutt

RECOMMENDED that Development Application DA10/0800.03 for an amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 comprised of 475 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740

Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be modified as follows:

1. Delete Condition No. 16 and replace it with Condition No. 16A which reads as follows:

16A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08_0200.

The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.

2. Delete Condition No. 18 and replace it with Condition No. 18A which reads as follows:

18A. The proponent must maintain Asset Protection Zones (APZs) for Precinct 1 and 2 for a period of five years from the date of the issue of the first subdivision certificate for Precinct 1 or 2. The APZs must be regularly slashed to ensure a reduced fuel zone and Council is to be notified on each occurrence. Council will audit APZs annually, prior to the bushfire danger period, and at other times as appropriate (e.g. when the risk of bushfire is high), to ensure APZs are compliant with Planning for Bushfire Protection 2006 and in order to meet its reporting requirements under the Rural Fires Act 1997. If APZs are not compliant, the proponent must undertake the necessary works as directed by Council and within the timeframe specified by Council. An unconditional bond to the value of 5% of the Asset Protection Zone (including landscaping, fencing, earthworks and fire trail) cost will be held in the favour of Council to be utilised in the event of non-compliance with this condition.

Release of the bond will be at the completion of the five year maintenance period dependent upon the performance of carrying out the requirements of this condition.

3. Delete Condition No. 32 and replace it with Condition No. 32A which reads as follows:

32A. 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
 - Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
 - Comply with the provisions of Council's Design Specification D6 – Site Regrading.

- Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
- The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, unless otherwise approved by the General Manager or his delegate
- Roadworks/furnishings
 - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
- Stormwater drainage
- Water supply works
 - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
- Sewerage works
 - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

4. Delete Condition No. 46 and replace it with Condition No. 46A which reads as follows:
 - 46A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009), appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.
5. Delete Condition No. 51 and replace it with Condition No. 51A which reads as follows:
 - 51A. One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06_0316.

Such plan(s) must be prepared for Management Areas 1, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated April 2013 and representing compensatory offset for loss of habitat and

Endangered Ecological Communities (EEC) on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the Subdivision Plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habit offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06_0316. The Habitat Restoration Plan(s) must also include:

- (a) a schedule and timing of works to be undertaken
- (b) a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.
- (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.
- (d) a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.

6. Insert new Condition 51.1 as follows:

51.1. Following the successful rehabilitation of Management Areas 1, 2, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.

7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:

55A. Asset Protection Zones for Precinct 1 and 2 must be compliant with the bush fire protection measures for residential subdivisions as outlined in Section 4.1.3 of Planning for Bush Fire Protection 2006. If APZs are not compliant with acceptable solutions as per Section 4.1.3 of Planning for Bush Fire Protection 2006, then as per the guidelines a detailed performance assessment must be prepared by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia and submitted to Council for approval. The performance assessment must include a detailed assessment and demonstration that the APZ can be maintained in the long term with minimal resources in a cost effective manner without compromise of its function to the satisfaction of the General Manager or delegate.

8. Delete Condition No. 56 and replace it with Condition No. 56A which reads as follows:

56A. The Plans lodged for Construction Certificate must be certified by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia as compliant with Planning for Bushfire Protection Guidelines 2006 or the alternate solutions approved by Council under Conditions 54 and 55.

9. Delete Condition No. 59 and replace it with Condition No. 59A which reads as follows:
- 59A. Should, following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd. by Hill PDA and dated November 2010.
10. Delete Condition No. 68 and replace it with Condition No. 68A which reads as follows:
- 68A. Prior to the commencement of civil works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.
11. Delete Condition No. 100 and replace it with Condition No. 100A which reads as follows:
- 100A. All waters that are to be discharged from the site during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality) shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. Where water is to be discharged from the site the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.
12. Delete Condition No. 112 and replace it with Condition No. 112A which reads as follows:
- 112A. The proposed passive parks are to be progressively dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.
13. Delete Condition No. 114 and replace it with Condition No. 114A which reads as follows:
- 114A. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.

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

14. Delete Condition No. 115 and replace it with Condition No. 115A which reads as follows:

115A. A bond shall be lodged to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of 12 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.

15. Delete Condition No. 116 and replace it with Condition No. 116A which reads as follows:

116A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.
- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually

submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

16. Delete Condition No. 129 and replace it with Condition No. 129A which reads as follows:

129A. The Plan of Proposed Subdivision shall dedicate the proposed drainage reserve adjacent to that stage of the development at no cost to Council. The proponent shall submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

17. Delete Condition No. 144 and replace it with Condition No. 144A which reads as follows:

144A. The staged embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.

The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

18. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr W Polglase

A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS C BYRNE, P YOUNGBLUTT AND B LONGLAND. THIS RESCISSION MOTION WILL BE DEALT WITH AT THE COUNCIL MEETING OF 20 MARCH 2014.

- 5 [PR-PC] Development Application DA10/0801.02 for an Amendment to Development Consent DA10/0801 for the Cobaki Estate Subdivision of Precinct 6 Comprised of 442 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Significant, Non-Pecuniary Interest in Items 4 and 5. The nature of the interest is that Cr K Milne is involved in a defamation legal matter with LEDA Developments. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

P 7

Cr C Byrne
Cr M Armstrong

PROPOSED that Development Application DA10/0801.02 for an amendment to Development Consent DA10/0801 for the Cobaki Estate subdivision of Precinct 6 comprised of 442 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be amended as follows:

1. Delete Condition No. 10 and replace it with Condition No. 10A which reads as follows:

10A In accordance with Condition 38 of Project Application MP08_0200, no works shall be undertaken within the Precinct 6 area that may impact upon (or contribute to an impact upon) the freshwater wetlands and Wallum Froglet habitat area until an appropriate agreement is entered into between the Proponent and the Office of Environment and Heritage that offsets the project's impact on biodiversity. This agreement shall include provision for alternative offsets to be delivered should monitoring indicate that an appropriate wetland environment is not achieved after an appropriate time. Evidence of such an agreement shall be forwarded to the Director General no later than 5 working days prior to works commencing in those areas.

Notwithstanding the above, the proponent shall prepare a detailed Wallum Froglet Compensatory Habitat Plan as per Section 4.3 of the Revised Freshwater Wetland Rehabilitation Plan prepared by James Warren and Associates, dated October 2010. In addition to these requirements, the Wallum Froglet Compensatory Habitat Plan must include the following information on the core breeding habitat areas:

- (i) Detail on how Wallum Froglet core breeding areas will be constructed and maintained;

- (ii) Detail on the design of fauna crossings where the fauna corridor is bisected by a road to ensure Wallum Froglet movement between core breeding habitat ponds is available;
- (iii) How threats to the survival of Wallum Froglet Habitat will be managed;
- (iv) Monitoring and reporting requirements including monitoring of Wallum Froglet usage of the core breeding habitat area, usage of fauna corridors, Wallum Froglet population size and breeding success, water quality, habitat suitability and presence of exotic species (particularly Cane Toad and Gambusia); and
- (v) A contingency planning option in the case of system failure

2. Insert new Condition 10.1 as follows:

10.1 The Proponent is responsible for the management of all Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans, until such time that an agreement is reached with Council regarding the dedication of that land.

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

11A. The proponent must design, construct, operate and maintain the project to ensure that it does not adversely affect any remaining Wallum Froglet populations on, or adjacent the site.

4. Delete Condition No. 19 and replace it with Condition No. 19A which reads as follows:

19A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08_0200.

The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.

5. Delete Condition No. 34 and replace it with Condition No. 34A which reads as follows:

34A. 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

- Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
- Comply with the provisions of Council's Design Specification D6 – Site Regrading.
- Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
- The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, unless otherwise approved by the General Manager or his delegate
- Roadworks/furnishings
 - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
 - Stormwater drainage
- Water supply works
 - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
- Sewerage works
 - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

6. Delete Condition No. 47 and replace it with Condition No. 47A which reads as follows:

47A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009). Appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.

7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:

55A One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06_0316. Such plan(s) must be prepared for Management Areas 10 and 13 of the

Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated April 2013 and representing compensatory offset for loss of habitat and Endangered Ecological Communities on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the subdivision plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habitat offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06_0316. The Habitat Restoration Plan(s) must also include:

- (a) a schedule and timing of works to be undertaken.
- (b) a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.
- (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.
- (d) a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.

8. Insert new Condition 55.1 as follows:

55.1 Following the successful rehabilitation of Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.

9. Delete Condition No. 62 and replace it with Condition No. 62A which reads as follows:

62A. Should, following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd by Hill PDA and dated November 2010.

10. Delete Condition No. 63 and replace it with Condition No. 63A which reads as follows:

63A. Detailed design drawings for all road crossings over the nominated fauna corridor are to be submitted to the General Manager or his delegate for approval. Each crossing design shall incorporate three 3m wide x 1.8m high openings in the centre of the low flow drainage channel to enable a range of fauna to cross through the corridor and facilitate east-west connectivity for fauna across the site.

11. Delete Condition No. 73 and replace it with Condition No. 73A which reads as follows:

73A. Prior to the commencement of civil works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

12. Delete Condition No. 105 and replace it with Condition No. 105A which reads as follows:

105A. All waters that are to be discharged from the site during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality) shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. Where water is to be discharged from the site the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

13. Delete Condition No. 117 and replace it with Condition No. 117A which reads as follows:

117A. The proposed passive parks are to be progressively dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

14. Delete Condition No. 119 and replace it with Condition No. 119A which reads as follows:

119A. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.

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

15. Delete Condition No. 120 and replace it with Condition No. 120A which reads as follows:

120A. A bond shall be lodged to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of 12 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.

16. Delete Condition No. 121 and replace it with Condition No. 121A which reads as follows:

121A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.
- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

17. Delete Condition No. 133 and replace it with Condition No. 133A which reads as follows:

133A. The Plan of Proposed Subdivision shall dedicate the proposed drainage reserve adjacent to that stage of the development at no cost to Council. The proponent shall submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

18. Delete Condition No. 148 and replace it with Condition No. 148A which reads as follows:

148A. The staged embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.

The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

19. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

20. Delete Condition No. 158 and replace it with Condition No. 158A which reads as follows:

158A. Lots 602, 603 and 605 adjoining the central drain are to be dedicated as drainage reserve, not environmental open space as indicated on the 'Plan of Proposed Subdivision, Precinct 6 Drainage Reserves & Parks', reference Michel Group Services 6400-218, Issue A, dated 24/11/2010.

P 8

AMENDMENT 1

Cr K Milne
Cr G Bagnall

PROPOSED that that Development Application DA10/0801.02 for an amendment to Development Consent DA10/0801 for the Cobaki Estate subdivision of Precinct 6 comprised of 442 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be amended as follows:

1. Delete Condition No. 10 and replace it with Condition No. 10A which reads as follows:

10A In accordance with Condition 38 of Project Application MP08_0200, no works shall be undertaken within the Precinct 6 area that may impact upon (or contribute to an impact upon) the freshwater wetlands and Wallum Froglet habitat area until an appropriate agreement is entered into between the Proponent and the Office of Environment and Heritage that offsets the project's impact on biodiversity. This agreement shall include provision for alternative offsets to be delivered should monitoring indicate that an appropriate wetland environment is not achieved after an appropriate time. Evidence of such an agreement shall be forwarded to the Director General no later than 5 working days prior to works commencing in those areas.

Notwithstanding the above, the proponent shall prepare a detailed Wallum Froglet Compensatory Habitat Plan as per Section 4.3 of the Revised Freshwater Wetland Rehabilitation Plan prepared by James Warren and Associates, dated October 2010. In addition to these requirements, the Wallum Froglet Compensatory Habitat Plan must include the following information on the core breeding habitat areas:

- (i) Detail on how Wallum Froglet core breeding areas will be constructed and maintained;
- (ii) Detail on the design of fauna crossings where the fauna corridor is bisected by a road to ensure Wallum Froglet movement between core breeding habitat ponds is available;
- (iii) How threats to the survival of Wallum Froglet Habitat will be managed;
- (iv) Monitoring and reporting requirements including monitoring of Wallum Froglet usage of the core breeding habitat area, usage of fauna corridors, Wallum Froglet population size and breeding success, water quality, habitat suitability and presence of exotic species (particularly Cane Toad and Gambusia); and
- (v) A contingency planning option in the case of system failure

2. Insert new Condition 10.1 as follows:

10.1 The Proponent is responsible for the management of all Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans, until such time that an agreement is reached with Council regarding the dedication of that land.

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

11A. The proponent must design, construct, operate and maintain the project to ensure that it does not adversely affect any remaining Wallum Froglet populations on, or adjacent the site.

4. Delete Condition No. 19 and replace it with Condition No. 19A which reads as follows:

19A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08_0200.

The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.

5. Delete Condition No. 34 and replace it with Condition No. 34A which reads as follows:

34A. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Council's 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
 - Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
 - Comply with the provisions of Council's Design Specification D6 – Site Regrading.
 - Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
 - The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, unless otherwise approved by the General Manager or his delegate
- Roadworks/furnishings
 - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
 - Stormwater drainage

- Water supply works
 - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
- Sewerage works
 - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

6. Delete Condition No. 47 and replace it with Condition No. 47A which reads as follows:
 - 47A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009). Appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. *The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.*
7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:
 - 55A One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06_0316. Such plan(s) must be prepared for Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated *April 2013* and representing compensatory offset for loss of habitat and Endangered Ecological Communities on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the subdivision plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habitat offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06_0316. The Habitat Restoration Plan(s) must also include:

- (a) a schedule and timing of works to be undertaken.
- (b) a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.
- (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.
- (d) a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.

8. Insert new Condition 55.1 as follows:

55.1 Following the successful rehabilitation of Management Areas 10 and 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.

9. Delete Condition No. 62 and replace it with Condition No. 62A which reads as follows:

62A. Should, following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd by Hill PDA and dated November 2010.

10. Delete Condition No. 63 and replace it with Condition No. 63A which reads as follows:

63A. Detailed design drawings for all road crossings over the nominated fauna corridor are to be submitted to the General Manager or his delegate for approval. Each crossing design shall incorporate three 3m wide x 1.8m high culverts in the centre of the low flow drainage channel to achieve a total opening width of 12m minimum to enable a range of fauna to cross through the corridor and facilitate east-west connectivity for fauna across the site.

11. Delete Condition No. 73 and replace it with Condition No. 73A which reads as follows:

73A. Prior to the commencement of civil works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within Condition 25 of Project Application MP08_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

12. Delete Condition No. 105 and replace it with Condition No. 105A which reads as follows:

105A. All waters that are to be discharged from the site during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality) shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. Where water is to be discharged from the site the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

13. Delete Condition No. 117 and replace it with Condition No. 117A which reads as follows:

117A. The proposed passive parks are to be progressively dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

14. Delete Condition No. 119 and replace it with Condition No. 119A which reads as follows:

119A. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.

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

15. Delete Condition No. 120 and replace it with Condition No. 120A which reads as follows:

120A. A bond shall be lodged to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of 12 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.

16. Delete Condition No. 121 and replace it with Condition No. 121A which reads as follows:

121A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost

of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.

- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

17. Delete Condition No. 133 and replace it with Condition No. 133A which reads as follows:

133A. The Plan of Proposed Subdivision shall dedicate the proposed drainage reserve adjacent to that stage of the development at no cost to Council. The proponent shall submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

18. Delete Condition No. 148 and replace it with Condition No. 148A which reads as follows:

148A. The staged embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.

The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the

total cost of the installed playground equipment and soffit must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

19. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

20. Delete Condition No. 158 and replace it with Condition No. 158A which reads as follows:

158A. Lots 602, 603 and 605 adjoining the central drain are to be dedicated as drainage reserve, not environmental open space as indicated on the 'Plan of Proposed Subdivision, Precinct 6 Drainage Reserves & Parks', reference Michel Group Services 6400-218, Issue A, dated 24/11/2010.

Amendment 1 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong, Cr B Longland

ABSENT. DID NOT VOTE - Cr W Polglase

P 9

AMENDMENT 2

Cr M Armstrong

Cr K Milne

RECOMMENDED that Development Application DA10/0801.02 for an amendment to Development Consent DA10/0801 for the Cobaki Estate subdivision of Precinct 6 comprised of 442 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be deferred to 20 March 2014 ordinary Council meeting to enable the consideration of information with regards to the ecological, engineering and integrity of the various underpass designs.

Amendment 2 was **Carried** - (Minute No. P9 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne

ABSENT. DID NOT VOTE - Cr W Polglase

Amendment 2 on becoming the Motion was **Carried** - (Minute No P9 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne

ABSENT. DID NOT VOTE - Cr W Polglase

6 [PR-PC] Development Application DA13/0624 for a Detached Dual Occupancy, Gazebo & Swimming Pool - Two Stages at Lot 501 DP 1174455 No. 161 Overall Drive, Pottsville

P 10

Cr P Youngblutt

Cr M Armstrong

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of the North Coast Regional Environmental Plan regarding overshadowing of beaches or adjacent open space before 3pm midwinter or 7pm midsummer be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
- B. Development Application DA13/0624 for a detached dual occupancy, gazebo & swimming pool – two stages at Lot 501 DP 1174455 No. 161 Overall Drive, Pottsville be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as listed in the table below, except where varied by the conditions of this consent:

TITLE	PREPARED BY	DATED
Site Plan - Ground Floor (Sheet 4 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
House 1 - Floor Plan (Sheet 8 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
House 1 - Roof Plan (Sheet 9 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
Elevation 1 and Elevation 2 (Sheet 10 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
Elevation 3 and Elevation 4 (Sheet 11 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14

TITLE	PREPARED BY	DATED
House 2 - Floor Plan (Sheet 17 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
House 2 - Roof Plan (Sheet 18 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
Elevation 1 and Elevation 2 (Sheet 19 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
Elevation 3 and Elevation 4 (Sheet 20 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
Site Elevation - East Boundary (as amended in red and highlighted)	Stuart Osman Building Designs	Rev I dated 22/01/14

[GEN0005]

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

[GEN0115]

3. 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]

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

[GEN0300]

5. This is a staged consent as follows:

- Stage 1 comprises the construction of Dwelling 1, gazebo and swimming pool.
- Stage 2 comprises the construction of Dwelling 2.

All conditions apply equally to both stages unless otherwise specified.

6. The Dwelling 2 site must be maintained in a clean and tidy manner and grassed until such time as Dwelling 2 is constructed.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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]

8. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. This plan must also consider the landscape plan requirements of DCP A1 - Residential Development Code, especially with regard to native indigenous plant species.

[PCC0585]
9. A single dwelling or group of up to three attached or detached dwellings, having a Building Code classification of 1a, must be connected by means of a single water service pipe each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1305]
10. If the development is likely to disturb or impact upon telecommunications infrastructure, 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.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

PRIOR TO COMMENCEMENT OF WORK

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

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

[PCW0215]

12. 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]

13. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

14. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
15. 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]

16. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

DURING CONSTRUCTION

17. 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]

18. 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]

19. 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]

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

[DUR0405]

21. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

22. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

23. 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]

24. 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]

25. 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]

26. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
- (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.

[DUR2075]

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

[DUR2085]

28. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

29. 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]

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

[DUR2505]

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

[DUR2545]

32. 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]

33. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[DUR2835]

34. All batters shall remain clear of any easements.

35. All fencing shall comply with DCPA1 - Residential and Tourist Development Code.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

36. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

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

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

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

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

[POC0265]

38. 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]

39. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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:
1.3 Trips @ \$1330 per Trips
(\$1,284 base rate + \$46 indexation)
S94 Plan No. 4
Sector8_4 | \$1,729 |
| (b) Open Space (Casual):
0.75 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$407 |
| (c) Open Space (Structured):
0.75 ET @ \$622 per ET
(\$575 base rate + \$47 indexation)
S94 Plan No. 5 | \$467 |
| (d) Shirewide Library Facilities:
0.75 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$629 |

(e)	Bus Shelters: 0.75 ET @ \$64 per ET (\$60 base rate + \$4 indexation) S94 Plan No. 12	\$48
(f)	Eviron Cemetery: 0.75 ET @ \$123 per ET (\$101 base rate + \$22 indexation) S94 Plan No. 13	\$92
(g)	Community Facilities (Tweed Coast - North) 0.75 ET @ \$1389 per ET (\$1,305.60 base rate + \$83.40 indexation) S94 Plan No. 15	\$1,042
(h)	Extensions to Council Administration Offices & Technical Support Facilities 0.75 ET @ \$1860.31 per ET (\$1,759.90 base rate + \$100.41 indexation) S94 Plan No. 18	\$1,395.23
(i)	Cycleways: 0.75 ET @ \$473 per ET (\$447 base rate + \$26 indexation) S94 Plan No. 22	\$355
(j)	Regional Open Space (Casual) 0.75 ET @ \$1091 per ET (\$1,031 base rate + \$60 indexation) S94 Plan No. 26	\$818
(k)	Regional Open Space (Structured): 0.75 ET @ \$3830 per ET (\$3,619 base rate + \$211 indexation) S94 Plan No. 26	\$2,873

[POC0395]

40. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

41. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

42. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have 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 DSP6:	1 ET @ \$12575 per ET	\$12,575
Pottsville/Burringbar Water Levy:	1 ET @ \$2113 per ET	\$2,113
Sewer Hastings Point:	1 ET @ \$6042 per ET	\$6,042

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.

[POC0675]

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

[POC0905]

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

[POC1045]

USE

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

[USE0175]

46. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool (Section 17 Swimming Pool Act 1992).
- (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.

[USE1295]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr W Polglase

7 [PR-PC] Development Application DA02/1983.16 for an Amendment to Development Consent DA02/1983 for Use of Property for Filming and Producing a Television Program at Lot 77 DP 755715 Dungay Creek Road; Part Lot 74 DP 755715 No. 366 Dungay Creek Road; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay

P 11

**Cr M Armstrong
Cr P Youngblutt**

RECOMMENDED that Development Application DA02/1983.16 for an amendment to Development Consent DA02/1983 for use of property for filming and producing a television program at Lot 77 DP 755715 Dungay Creek Road; Part Lot 74 DP 755715 No. 366 Dungay Creek Road; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay be approved and the consent be amended as follows:

1. Amend the Consent to state at the end:

The consent to expire on 1 June 2017.

2. Replace Condition 1B with Condition 1C as follows:

1C. The development shall be completed in accordance with the Statement of Environmental Effects; Drawing No 34504 prepared by Brown and Haan Surveyors and dated 27/11/2002; Drawing No 34505 prepared by Brown and Haan Surveyors; Plans No A1219 prepared by Edwin Shirley Stage Australia Pty Ltd dated 28/11/2002; Plan No A1-221102 Sheets 1 & 2 prepared by Richard Harry Engineering Services and dated 11/2002; Plan No 232311 prepared by

Waco Kwikform and dated 26/11/2002, except as amended by Drawing No.20345 Sheets 1 to 5 prepared by Brown and Haan and dated 26/2/2003; Plans and documentation prepared by Richard Harry Engineering Services dated 3/2/2003. Where amended the development shall be completed in accordance with Plan No.20345 Dwg 345C6 prepared by Brown and Haan dated 22/9/2003, and plans and documentation prepared by Richard Harry Engineering Services Pty Ltd dated 23/9/2003, except where varied by these conditions. Where amended the development shall be undertaken in accordance with Sheet Nos. 2,3 & 4 of Site Plan 20345 prepared by Brown & Haan Surveyors, Floor Plan Nos. B12052-01 & B12052-02, 4034531, BH5-1230, MP3630, 4036921_1, 4044234-01 and 4044417_01 prepared by Ausco Building Systems and submitted with the amendment application dated 9 September 2006, Dungay Creek Road Environmental Management Plan ('EMP') Report for Granada Productions dated September 2013 prepared by Ecosure, Flora and Fauna Assessment Final Report for Granada Australia / ITV Studios dated 26 August 2013 prepared by Ecosure including Addendum to Flora and Fauna Assessment Report, for Granada Australia / ITV Studios dated 26 August 2013 prepared by Ecosure and the Site Management Plan as submitted on 27 August 2010.

3. Delete Condition 1.1 in its entirety as the provisions have been satisfied.
4. Replace Condition 1.3 with Condition 1.3A as follows:

1.3A The applicant shall amend the Habitat Restoration Plan ('HRP') being Habitat Restoration Plan Final Report, for Granada Australia/ITV Studios, dated 26 August 2013, prepared by Ecosure to reflect updated scheduling and timeframes for ecological restoration to 2017. Specifically, Table 14 titled Implementation schedule for restoration works shall be amended to replicate frequency of 'Maintenance Works' as shown on the table for upcoming periods during 2014 - 2017. The amended HRP shall be submitted and approved by Council's General Manager or delegate prior to commencement of the first filming and production session in 2014 approved by this consent.

Works are to be implemented in accordance with the approved amended Habitat Restoration Plan (unless otherwise modified and approved by Council's General Manager or delegate) to Council's satisfaction throughout the consent period and including final site remediation phase.

5. Replace Condition 4B with Condition 4C as follows:

4C. Any removal or relocation of protected fauna on the property shall only be undertaken in accordance with scientific licence or under written advice from the NSW Department of Environment and Heritage. No planting of exotic species or weeds is to occur on the site. Any introduced fauna is to be sourced from agents certified to be free of pests and diseases with potential to impact native fauna, in particular introduction of Plague Minnow or Mosquito Fish (Gambusia holbrooki) with aquatic species; chytrid fungus causing the disease chytridiomycosis with amphibians; Psittacine circoviral (beak & feather) disease with birds and Phytophthora cinnamomi with plants.

6. Delete Condition 34.1 in its entirety as the provisions have been satisfied.
7. Replace Condition 1.2 with Condition 1.2A as follows:
 - 1.2A. A current approval to operate the on-site sewage management system shall be in place at all times.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong, Cr B Longland
AGAINST VOTE - Cr K Milne, Cr G Bagnall
ABSENT. DID NOT VOTE - Cr W Polglase

- 8 **[PR-PC] Development Application DA12/0170.04 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos. 26- 28 Tweed Coast Road, Cabarita Beach**

P 12

Cr C Byrne
Cr P Youngblutt

PROPOSED that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:

1. Insert Condition No. 1.1 which reads as follows:
 - 1.1. *The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:*
 - *Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
 - *Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
 - *First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;*
 - *Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;*
 - *Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;*
 - *North Elevation, S96 07, Revision G, dated 23/10/2013;*
 - *South Elevation, S96 08, Revision G, dated 23/10/2013*
 - *East Elevation, S96 09, Revision G, dated 23/10/2013*
 - *West Elevation, S96 10, Revision G, dated 23/10/2013*
 - *Section A, S96 11, Revision G, dated 23/10/2013;*
 - *Section B, S96 012, Revision G, dated 23/10/2013;*
 - *Section C, S96 13, Revision G, dated 23/10/2013;*
- All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.*

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

1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- Construction of new covered entry including common amenities;
- Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;
- Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
- Conversion of room 6 and adjoining storage space into new kitchen store and communal lounge room;
- Renovation of existing serviced apartment and existing rooms 7 through 12 (identified as rooms 6 through 11 pm proposed plans) including room and balcony enlargement;
- Conversion of rooms 14 and 15 into a second serviced apartment;
- Renovation of existing external staircase access upgraded to comply with the Building Code of Australia (BCA)
- Construction of outdoor food and beverage service area;
- Construction lounge, bar and outdoor bar area;
- Construction of external bin storage area, equipment store and new at grade car parking;
- Partial site landscaping;
- Renovation of existing stair access to foreshore reserve; and
- Retention and renovation of existing swimming pool.

Stage 2:

- Construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and
- Partial site landscaping.

Stage 3:

- Construction of new caretakers dwelling, storeroom, common amenities and multipurpose space.

3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.

4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.

5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.

6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

23A. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plan and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required work:

- (a) Vehicular access: construction of two (2) vehicular footpath crossings.*
- (b) Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road*

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

- Road works/furnishings*
- Stormwater drainage*
- Water and sewerage works*
- Sediment and erosion control plans*
- Location of all services/conduits*
- Traffic control plan*

[PCC0895]

7. Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:

29A. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of intrusive noise is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.

8. Delete Condition No. 69.
9. Delete Condition No. 89 and replace it with Condition No. 89A which reads as follows:

89A. The outdoor food and beverage service area is to be constructed as a separate structure and be demountable or relocatable.
10. Delete Condition No. 93 and replace it with Condition No. 93A which reads as follows:

93A. Section 94 Contributions

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

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

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

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

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

Stage 1

- (a) Tweed Road Contribution Plan:
12.92 Trips @ \$1186 per Trips \$15,323
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4
Sector7_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 5.1.1 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:

\$Con_{TRCP - Heavy} heavy haulage contribution

and:

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

Dist. average haulage distance of product on Shire roads (trip one way)

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

Admin. Administration component - 5% - see Section 6.5

- | | | |
|-----|--|-----------|
| (b) | Open Space (Casual):
2.1 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$1140 |
| (c) | Shirewide Library Facilities:
2.1 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$1760 |
| (d) | Community Facilities (Tweed Coast - North)
2.1 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$2917 |
| (e) | Extensions to Council Administration Offices
& Technical Support Facilities
2.1 ET @ \$1860.31 per ET
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$3906.65 |
| (f) | Regional Open Space (Casual)
2.1 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$2291 |

Stage 2

- | | | |
|-----|---|---------|
| (a) | Tweed Road Contribution Plan:
12.4 Trips @ \$1186 per Trips
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4
Sector7_4 | \$14706 |
|-----|---|---------|

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 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 (Casual):
6.5 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$3530 |
| (c) | Shirewide Library Facilities:
6.5 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$5447 |
| (d) | Community Facilities (Tweed Coast - North)
6.5 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$9029 |
| (e) | Extensions to Council Administration Offices
& Technical Support Facilities
6.5 ET @ \$1860.31 per ET \$12092.02
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | |
| (f) | Regional Open Space (Casual)
6.5 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$7092 |

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate for Stage 1 (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 1

Water DSP6:	2.3612 ET @ \$12575 per ET	\$29,692.10
Sewer Hastings Point:	3.8827 ET @ \$6042 per ET	\$23,459.30

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

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.

[POC0675]

12. Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:

107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed Development Control Plan B25 this consent is subject to the owner of the subject land PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE creating a positive covenant under section 88E of the (*Conveyancing Act, 1919*) on the following terms:

- “(i) *The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed Development Control Plan B25 or any other subsequent iteration of that planning instrument.*
- (ii) *The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:*
- a. *In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.*
 - b. *The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.*
 - c. *The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25”.*

13. Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:

111A. 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.

14. Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:

113A Hours of operation of the business are restricted to as follows:

- Enclosed dining/lounge/bar areas and outdoor bar - 7am - 12 midnight Monday to Sunday.
- Outdoor facilities, including pool and BBQ - 7am - 10pm Monday to Sunday.

15. Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:

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

1. The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:
 - Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
 - Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;
 - First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;
 - Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;
 - Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;
 - North Elevation, S96 07, Revision G, dated 23/10/2013;
 - South Elevation, S96 08, Revision G, dated 23/10/2013;
 - East Elevation, S96 09, Revision G, dated 23/10/2013;
 - West Elevation, S96 10, Revision G, dated 23/10/2013.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. 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 documents 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'

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:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'

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:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.
9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Landscaping

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

General Advice – consent authority to note

Bushfire-Resisting Timber

- The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

P 13

AMENDMENT

Cr K Milne
Cr G Bagnall

RECOMMENDED that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:

1. Insert Condition No. 1.1 which reads as follows:

1.1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- *Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
 - *Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
 - *First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;*
 - *Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;*
 - *Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;*
 - *North Elevation, S96 07, Revision G, dated 23/10/2013;*
 - *South Elevation, S96 08, Revision G, dated 23/10/2013*
 - *East Elevation, S96 09, Revision G, dated 23/10/2013*
 - *West Elevation, S96 10, Revision G, dated 23/10/2013*
 - *Section A, S96 11, Revision G, dated 23/10/2013;*
 - *Section B, S96 012, Revision G, dated 23/10/2013;*
 - *Section C, S96 13, Revision G, dated 23/10/2013;*
- All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.*

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

1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- Construction of new covered entry including common amenities;
- Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;
- Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
- Conversion of room 6 and adjoining storage space into new kitchen store and communal lounge room;
- Renovation of existing serviced apartment and existing rooms 7 through 12 (identified as rooms 6 through 11 pm proposed plans) including room and balcony enlargement;

- Conversion of rooms 14 and 15 into a second serviced apartment;
- Renovation of existing external staircase access upgraded to comply with the Building Code of Australia (BCA)
- Construction of outdoor food and beverage service area;
- Construction lounge, bar and outdoor bar area;
- Construction of external bin storage area, equipment store and new at grade car parking;
- Partial site landscaping;
- Renovation of existing stair access to foreshore reserve; and
- Retention and renovation of existing swimming pool.

Stage 2:

- Construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and
- Partial site landscaping.

Stage 3:

- Construction of new caretakers dwelling, storeroom, common amenities and multipurpose space.

3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.

4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.

5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.

6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

23A. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plan and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required work:

- (a) *Vehicular access: construction of two (2) vehicular footpath crossings.*
- (b) *Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road*

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

- *Road works/furnishings*
- *Stormwater drainage*
- *Water and sewerage works*
- *Sediment and erosion control plans*
- *Location of all services/conduits*
- *Traffic control plan*

[PCC0895]

7. Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:
- 29A. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of intrusive noise is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.
8. Delete Condition No. 69.
9. Delete Condition No. 89 and replace it with Condition No. 89A which reads as follows:
- 89A. The outdoor food and beverage service area is to be constructed as a separate structure and be demountable or relocatable.
10. Delete Condition No. 93 and replace it with Condition No. 93A which reads as follows:
- 93A. Section 94 Contributions
- Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.
- Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.
- A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**
-

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

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

Stage 1

- (a) Tweed Road Contribution Plan:
12.92 Trips @ \$1186 per Trips \$15,323
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4
Sector7_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 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads (trip one way)

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

Admin. Administration component - 5% - see Section 6.5

- (b) Open Space (Casual):
2.1 ET @ \$543 per ET \$1140
(\$502 base rate + \$41 indexation)
S94 Plan No. 5

- | | | |
|-----|--|-----------|
| (c) | Shirewide Library Facilities:
2.1 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$1760 |
| (d) | Community Facilities (Tweed Coast - North)
2.1 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$2917 |
| (e) | Extensions to Council Administration Offices
& Technical Support Facilities
2.1 ET @ \$1860.31 per ET
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$3906.65 |
| (f) | Regional Open Space (Casual)
2.1 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$2291 |

Stage 2

- | | | |
|-----|---|---------|
| (a) | Tweed Road Contribution Plan:
12.4 Trips @ \$1186 per Trips
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4
Sector7_4 | \$14706 |
|-----|---|---------|

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads (trip one way)

\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)	
Admin.	Administration component - 5% - see Section 6.5	
(b)	Open Space (Casual): 6.5 ET @ \$543 per ET (\$502 base rate + \$41 indexation) S94 Plan No. 5	\$3530
(c)	Shirewide Library Facilities: 6.5 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$5447
(d)	Community Facilities (Tweed Coast - North) 6.5 ET @ \$1389 per ET (\$1305.6 base rate + \$83.4 indexation) S94 Plan No. 15	\$9029
(e)	Extensions to Council Administration Offices & Technical Support Facilities 6.5 ET @ \$1860.31 per ET \$12092.02 (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	
(f)	Regional Open Space (Casual) 6.5 ET @ \$1091 per ET (\$1031 base rate + \$60 indexation) S94 Plan No. 26	\$7092

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate for Stage 1 (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 1

Water DSP6:	2.3612 ET @ \$12575 per ET	\$29,692.10
Sewer Hastings Point:	3.8827 ET @ \$6042 per ET	\$23,459.30

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

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.

[POC0675]

12. Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:

107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed Development Control Plan B25 this consent is subject to the owner of the subject land PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE creating a positive covenant under section 88E of the (*Conveyancing Act, 1919*) on the following terms:

- “(i) *The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed Development Control Plan B25 or any other subsequent iteration of that planning instrument.*
- (ii) *The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:*
 - a. *In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.*
 - b. *The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.*

- c. *The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25".*

13. Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:

111A. 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.

14. Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:

113A Hours of operation of the business are restricted to the following:

- Enclosed Dining/Lounge/Bar areas and Outdoor Bar - 7am to 10pm Sunday to Thursday and 7am to 12 midnight Friday, Saturday and Public Holidays.
- Outdoor facilities, including pool and BBQ - 7am - 10pm Monday to Sunday.

15. Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:

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

1. The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:

- Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
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- North Elevation, S96 07, Revision G, dated 23/10/2013;
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Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. 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 documents 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'

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:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'

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:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.

9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Landscaping

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

General Advice – consent authority to note

Bushfire-Resisting Timber

- The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

The **Amendment** was **Carried** on the Casting Vote of the Mayor (Minute No. P13 refers)

FOR VOTE - Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong

ABSENT. DID NOT VOTE - Cr W Polglase

The Amendment on becoming the Motion was **Carried on the Casting Vote of the Mayor -** (Minute No P13 refers)

FOR VOTE - Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong

ABSENT. DID NOT VOTE - Cr W Polglase

- 9 [PR-PC] Development Application DA13/0383 for a Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah

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Cr C Byrne

Cr P Youngblutt

PROPOSED that Development Application DA13/0383 for a Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers

Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah 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 334-DA07 prepared by Greg Everding Architect and dated 04.11.13, Plan Nos 334-DA06 prepared by Greg Everding Architect and dated 04.11.13, Plan Nos 334-DA01 prepared by Greg Everding Architect and dated 25.07.13, Plan Nos 334-DA03 prepared by Greg Everding Architect and dated 15.08.13, Plan Nos WD 2/413 prepared by PFK Building Design and dated 24/04/13 except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. 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 Engineering Division for approval of such works.

[GEN0155]

5. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.

[GEN0265]

6. Waste management on the site shall be carried out in accordance with the approved Waste Management Plan.

[GENNS03]

7. The occupants of the caretakers dwelling must only be employees of any of the approved uses under this consent.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. The developer shall provide 36 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate.

[PCC0065]

9. 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]

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

[PCC0465]

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

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

[PCC0485]

12. A detailed plan of landscaping containing no noxious or environmental weed species and a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a construction Certificate. This plan shall include details relating to additional screen planting adjacent to the proposed Boat Display area adjacent to Chinderah Bay Drive. Such details shall include planting that serves to ensure that a minimum 2m high landscaped screen eventuates at maturity to this frontage.

[PCC0585]

13. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

14. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of RL 3.2m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

15. Fencing detail is to be provided detailing a form that will either allow the free passage of flood water or be of a light construction such as timber paling that will collapse as a result of any build up of floodwater or debris.

[PCC0725]

16. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -

- (a) Vehicular access (dwelling house and boating facility)
- (b) Minor road pavement widening of Walsh Street to facilitate vehicular access to the site, to accord with the depicted access arrangement as shown on 'Proposed Site Plan' no. 334-DA07 by Greg Everding Architect dated 04.11.13.

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
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

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

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

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.

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

[PCC1145]

19. 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]

20. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

21. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

22. 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]

23. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste

Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

24. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.

[PCC1265]

25. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

26. Prior to the construction certificate being issued, three copies of plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:

- a. Floor plan
- b. Layout of premises showing all equipment
- c. All internal finish details including floors, wall, ceiling and lighting
- d. Hydraulic design in particular method of disposal of trade waste
- e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- f. Servery areas including counters etc.

27. Prior to the issuing of a construction certificate, a Dewatering Management Plan is to be prepared and submitted to Council. The Dewatering Management Plan is to be prepared by a suitably qualified consultant, and is to be to the satisfaction of the General Manager or his delegate.

[PCCNS01]

28. A Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.

29. Prior to the issuing of a Construction Certificate a construction waste management plan is to be provided to Council. The Waste management plan is to include:

- i. The type of waste generated during construction
- ii. The method and location of waste storage on site
- iii. How any recyclable materials will be managed
- iv. The location of the disposal facility for residual waste

[PCCNS02]

30. The proposed site works are required to avoid the existing Drainage Easement that encumbers Lot A DP 373769 and Lot 3 DP 415533.

31. The proposed "gravel" surface for the boat storage facility will only be acceptable if it is an all-weather, high bearing capacity porous surface - as per TSC DCP A2. Verification of a surface that complies with this requirement will need to be provided by

a qualified engineer, otherwise all internal access and parking areas will need to be bitumen sealed.

[PCCNS03]

32. Sewer Easements - A three meter easement over the existing and/ or new sewerage infrastructure is required. References to permit the proposed carport structure should be included in the easement document.
33. Building in proximity sewer - Sewer depth and actual location must be confirmed on site and recorded on construction plans prior to construction.
34. Building in proximity water and/ or sewer - A suitably qualified engineer shall design the walls and/or footing depths based on the geotechnical conditions on site and the plans must be submitted to Council to demonstrate the Council Sewers - Works in Proximity Policy has been adhered to.
35. Works are to be undertaken to terminate the sewer prior to storage bays 7 to 13 and a new manhole will be required at the new endpoint.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

36. 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]
37. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
38. 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]
39. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
40. 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]
41. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.
- [PCW0745]
42. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved

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

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

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

[PCW0985]

43. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

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

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

46. 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]

47. 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]

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

[DUR0245]

49. 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]

50. 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]

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

[DUR0405]

52. 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]

53. During filling operations

- No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- All fill and cut batters shall be contained wholly within the subject land.
- All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications and to the satisfaction of the Principal Certifying Authority.

and upon completion

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

[DUR0755]

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

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

56. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

57. 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]

58. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

59. 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]

60. All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared by HMC Environmental Consulting, dated October 2013 and numbered HMC2013.048 ASS.

[DUR1065]

61. The Proposed development where necessary shall be constructed with flood compatible materials, details of the materials area to be submitted for approval with the Construction Certificate application.

[DUR1375]

62. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

63. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 meters.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

64. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

65. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

66. 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]

67. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

68. 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]

69. 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]

70. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

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

[DUR1925]

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

[DUR1945]

73. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.

[DUR1955]

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

[DUR2185]

75. 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]

76. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

77. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

78. 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]

79. 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]

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

[DUR2545]

81. 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]

82. The Storage shelter structures are 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 affect or be affected by the sewer main.

[DUR2645]

83. Any structures that are to be constructed over or within the zone of influence of Council's sewer main are to comply with Tweed Shire Council's "Sewers - Building in Proximity" policy.

[DUR2705]

84. Any local exhaust system is to be constructed and installed in accordance with the certified plans.

85. Premises to be fitted out in accordance with the Council approved fit-out plans.

86. During construction, all dewatering activities are to be carried out in accordance with the Council approved Dewatering Management Plan, including recommendations of the Dewatering Management Plan.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

88. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation

certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

[POC0225]

90. 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]

91. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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:
21.6 Trips @ \$1176 per Trips \$25,402
(\$1,137 base rate + \$39 indexation)
S94 Plan No. 4
Sector6_4

[POC0395/PSC0175]

92. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

93. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

94. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website www.foodnotify.nsw.gov.au or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

95. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

96. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution shall be based on the following formula:

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads
(trip one way)

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

Admin. Administration component - 5% - see Section 6.6

[POC0715]

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

[POC0745]

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

[POC0755]

99. The lots are to be consolidated into one lot under one title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

Option: Lot C DP 373769 is not actively included in this proposal and can be excluded or separately consolidated with Lot 1 DP 382677.

[POC0855]

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

[POC0985]

101. 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]

102. Certification to be provided that any local exhaust system was constructed and installed in accordance with the certified plans and in accordance with AS1668.2.

[POCNS01]

103. The stormwater management plan includes a pipe system to drain Lot A DP 374685 (No.124 Chinderah Bay Drive), which will need to be covered by an appropriate easement, to benefit that lot. This easement can be created in conjunction with the required consolidation of the site.

[POCNS02]

104. 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]

105. 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]

106. Hours of operation are limited to the following:

- Boat Showroom 7am to 6pm Monday to Sunday,
- Boating Facility 7am to 6pm Monday to Sunday,
- Café/Restaurant and café 7am to 10pm Monday to Sunday and 7am to 8pm Sunday,
- All waste collection, deliveries and pickups relating to the businesses are to occur between 7am and 6pm.

[USE0185]

107. 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]

108. 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]

109. Any vehicles that remain on site for periods in excess of two minutes are required to switch off their engines.

[USE0255]

110. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by CRG Acoustical Consultants and dated 23 October 2013 and addendum dated 28 November 2013, except where as varied by this consent.

[USE0305]

111. The use being restricted to the areas designated on the approved plan.

[USE0415]

112. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0445]

113. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

114. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

115. Deliveries and waste collection activities shall be limited to 8:00 am to 5:00 pm, Monday to Friday.

[USE0901]

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA13/0383 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	N/A
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	N/A
13	N/A

Number	Condition
Plans, standards and guidelines	
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A
River bed and bank protection	
22	N/A
23	The consent holder must establish a riparian corridor along the drainage channel at the rear of the site in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

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AMENDMENT

Cr K Milne

Cr M Armstrong

RECOMMENDED that Development Application DA13/0383 for a Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah be deferred for a workshop, and to allow the following information to be provided in the Council report in relation to:

1. The increase in numbers of boats expected on the river in peak demand times.
2. Where these boats are expected to frequent, details on the safe carrying capacity in these areas, and how it could be ensured that boats do not congregate in the areas where safe carrying capacity is exceeded.
3. Potential legal liability for Council if boating collisions occur, if safe carrying capacity has been exceeded.
4. Potential environmental impacts from increased boating activity, including but not limited to riverbank erosion, seagrass, marine life and birdlife.
5. Impacts on Council's infrastructure, including but not limited to boat ramps and parking, and any costs associated to Council.
6. Noise impacts on the amenity of the area.
7. Ecological significance of adjacent wildlife corridor along creek to the south, and potential impacts to the resident Koala population in this corridor particularly from noise and lighting.
8. Treatment of stormwater and waste water, including but not limited to, engine flushing, boat cleaning, maintenance, refuelling etc.
9. Potential implications from the Chinderah Marina Land and Environment Court case.

The Amendment was **Carried** (Minute No. P15 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne

ABSENT. DID NOT VOTE - Cr W Polglase

The Amendment on becoming the Motion was **Carried** - (Minute No P15 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr C Byrne

ABSENT. DID NOT VOTE - Cr W Polglase

10 [PR-PC] Development Application DA13/0502 for a Staged Development - Boundary Adjustment, Boat Storage Facility and One Dwelling as a Caretakers Residence and One Dwelling with a Commercial Premise Component at Lot 23 DP 1130032 No. 7 Chinderah Bay Drive, Chinderah; Lot 22 DP 1130032 No. 9 Chinderah Bay Drive, Chinderah

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Cr C Byrne

Cr P Youngblutt

PROPOSED that Development Application DA13/0502 for a staged development - boundary adjustment, boat storage facility and one dwelling as a caretakers residence and one dwelling with a commercial premise component at Lot 23 DP 1130032 No. 7 Chinderah Bay Drive, Chinderah; Lot 22 DP 1130032 No. 9 Chinderah Bay Drive, Chinderah 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 Proposed Site Plan REV 07 prepared by Planit and dated 11/13, Plan Nos 13-049 Lot 22 sheet 3 of 6, 4 of 6, 5 of 6, 6 of 6 prepared by Bush & Beach Homes and dated 12/06/13, Plan Nos 13-049 Lot 23 sheet 3 of 7, 4 of 7, 5 of 7, 6 of 6, 7 of 7 prepared by Bush & Beach Homes and dated 12/06/13, Plan Nos FDHS-RG sheet 1 of 6, 2 of 6, 3 of 6, 6 of 6 prepared by Fairdinkum Sheds and dated 29/07/2013 as amended in Red, Plan Nos FDHS-RG sheet 1 of 6, 2 of 6, 3 of 6, 6 of 6 prepared by Fairdinkum Sheds and dated 18/06/2013 as amended in Red, 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 Engineering Division for approval of such works.

[GEN0155]

5. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges. [GEN0190]
6. The development is to be carried out in accordance with Councils Development Design and Construction Specifications. [GEN0265]
7. Waste management on the site shall be carried out in accordance with the approved Waste Management Plan. [GENNS01]
8. The adult occupants of the caretakers dwelling are to be employees of the approved boating storage facility under this consent. [GENNS02]
9. The development is to be undertaken in three stages. The stages are as follows:

Stage 1 - General Site works, construction of dwelling on proposed Lot 22 and construction of 22 Bay Storage Shed

Stage 2 - Undertake boundary adjustment and construction of 16 Bay Storage Shed

Stage 3 - Construction of dwelling and commercial premise on proposed Lot 23 [GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Two parking spaces are to be provided per dwelling.

Four parking spaces are to be provided for the commercial premise on Proposed Lot 23.

Two parking spaces are to be provided for the boat stage facility on Proposed Lot 22.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate. [PCC0065]
11. 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]

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

[PCC0465]

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

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

[PCC0485]

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

[PCC0585]

15. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

16. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of RL 2.9m AHD.
- (b) The minimum habitable floor level for the building is RL 3.4m AHD.
- (c) All building materials used below Council's design flood level must not be susceptible to water damage.
- (d) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (e) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

17. Construction Certificate design detail shall confirm the area below Council's design flood level is not totally enclosed for the dwelling on proposed Lot 22. The enclosure of laundry, stairway entry and double garage space is permitted provided the area of enclosure does not exceed 50m² and does not exceed 50% of the site coverage. It is to be noted that the commercial premise on proposed Lot 23 is exempt from the 50m² provision and that the commercial premise covers less than 50% of the site.

[PCC0715]

18. Fencing detail is to be provided detailing a form that will either allow the free passage of flood water or be of a light construction such as timber paling that will collapse as a result of any build up of floodwater or debris.

[PCC0725]

19. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

(a) Vehicular access

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

20. 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 Tweed shire Council 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.

Council's Environmental Health Unit shall be notified 24 hrs prior to commencement of demolition works.

[PCC1065]

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

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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.
 - (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - i) Additional sediment fence return will be added along the rear half of the northern boundary of proposed Lot 23. Site survey indicates the land falls this way and runoff can potentially exit the site.
- [PCC1105]
22. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.
- [PCC1125]
23. Stormwater
- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
 - (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
 - (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
 - (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
 - (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
 - (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.

- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

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

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

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

[PCC1145]

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

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

26. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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

[PCC1185]

27. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate. [PCC1195]
28. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval. [PCC1265]
29. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500. [PCC1275]
30. Certification from a suitably qualified person that the construction design achieves the requirements of the Environmental Noise Impact Report (crgref:13104a Report) prepared by CRG Acoustical Consultants dated 8 August 2013 and addendum dated 26 November 2013.
31. All works shall be carried out in accordance with Council's Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan (MP) shall be submitted. Should proposed works exceed the scope of the MP a site specific investigation and management plan shall be prepared and submitted to the satisfaction of the General Manager or delegate.
32. The wash bay shall be designed to ensure the adequate collection, treatment, where required, and removal of liquid trade waste to the satisfaction of the General Manager or delegate. [PCCNS01]
33. Prior to the issuing of a Construction Certificate a construction waste management plan is to be provided to Council. The Waste management plan is to include:
- i. The type of waste generated during construction
 - ii. The method and location of waste storage on site
 - iii. How any recyclable materials will be managed
 - iv. The location of the disposal facility for residual waste

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

34. 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]

35. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
36. 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]
37. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- [PCW0235]
38. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]
39. 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]
40. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required to the satisfaction of the Principal Certifying Authority. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

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

[PCW1065]

DURING CONSTRUCTION

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

[DUR0005]

43. 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]

44. 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]

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

[DUR0245]

46. 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]

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.

[DUR0395]

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

[DUR0405]

49. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

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

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

52. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

53. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

54. 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]

55. 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]

56. 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]

57. 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]

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

[DUR1945]

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

[DUR2185]

60. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

61. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

62. 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]

63. 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]

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

[DUR2545]

65. 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]

66. The structure 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 affect or be affected by the sewer main.

[DUR2645]

67. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

68. Any structures that are to be constructed over or within the zone of influence of Council's sewer main are to comply with Tweed Shire Council's "Sewers - Building in Proximity" policy.

[DUR2705]

69. All works shall be carried out in accordance with the approved Acid Sulfate Soil Management Plan.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

70. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

71. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required

essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

72. 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]

73. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

Stage 1

- | | |
|---|----------|
| (a) Tweed Road Contribution Plan:
4 Trips @ \$1176 per Trips
(\$1,137 base rate + \$39 indexation)
S94 Plan No. 4
Sector6_4 | \$4,704 |
| (b) Extensions to Council Administration Offices
& Technical Support Facilities
0.309641 ET @ \$1860.31 per ET
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$576.03 |

Stage 2

- | | |
|--|----------|
| (a) Extensions to Council Administration Offices
& Technical Support Facilities
0.22519 ET @ \$1860.31 per ET
(\$1,759.90 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$418.92 |
|--|----------|

Stage 3

- | | |
|---|-----------------|
| <p>(a) Tweed Road Contribution Plan:
 5.9904 Trips @ \$1176 per Trips
 (\$1,137 base rate + \$39 indexation)
 S94 Plan No. 4
 Sector6_4</p> | <p>\$7,045</p> |
| <p>(b) Extensions to Council Administration Offices
 & Technical Support Facilities
 0.20499 ET @ \$1860.31 per ET
 (\$1,759.90 base rate + \$100.41 indexation)
 S94 Plan No. 18</p> | <p>\$381.34</p> |

[POC0395/PSC0175]

74. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.
[POC0435]
75. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the buildings.
[POC0475]
76. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 1

Water DSP4: 0.1667 ET @ \$12575 per ET \$2,096.30

Sewer Kingscliff: 0.219 ET @ \$6042 per ET \$1,323.20

Stage 3

Water DSP4: 1.2496 ET @ \$12575 per ET \$15,713.70

Sewer Kingscliff: 1.3744 ET @ \$6042 per ET \$8,304.10

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.

[POC0675/PSC0165]

77. 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]

78. Hours of operation of the Boat Storage business are restricted to the following hours:

* 7am to 6pm - Mondays to Sundays

[USE0185]

79. All deliveries to the premises are to occur only within the hours of 8am to 6pm Monday to Saturdays, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

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

[USE0225]

81. 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]

82. The servicing of waste facilities shall be limited to between the hours of 0800hrs to 1800hrs Monday to Saturday.

[USE0285]

83. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report (crgref:13104a) prepared by CRG Acoustical Consultants and dated 8 August 2013 and addendum dated 26 November 2013.

[USE0305]

84. The use being restricted to the areas designated on the approved plan.

[USE0415]

85. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0445]

86. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

87. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

[USE1455]

88. A maximum of four customers per day is permitted with a maximum of seven customers per week permitted.

89. A maximum of four engines shall be flushed within any one day of operation. Engines shall operate at idle only and only for a maximum period of 2 mins.

90. A The maintenance of boats and equipment is not permitted.

91. All liquid trade waste collection, treatment and drainage systems shall be adequately maintained at all times.

[USENS01]

92. Noise Treatment

- Hours of operation be limited to the daytime period between 7am and 6pm, 7 days per week.
- The wash bay should be enclosed with solid walls along the northern, western and eastern perimeters of the bay and a solid roof over the bay as detailed in Sketch 1 in Appendix A of this report. Walls should be constructed to achieve a minimum surface mass of 11 kg/m² (i.e. 9mm FC sheeting or masonry).
- The roof of the wash bay enclosure should have an absorptive ceiling lining with a minimum Noise Reduction Coefficient (NRC) rating of 0.8 (i.e. a minimum 50mm thick, 22kg/m² fibreglass batts) as detailed in Sketch 1 in Appendix A of this report. Ceiling absorption batts may have a perforated foil facing having an open space area of no less than 12 % (this will protect the batts from damage).
- There should be no gaps or holes between the connection with the wash bay enclosure and the adjacent storage shed (i.e. no gaps or holes at the connecting walls or roofing).
- There should be no gaps or holes between the roof and the walls, between the ground and the walls and along the walls themselves (with the exception of the proposed roller door entries) at wash bay enclosure and the two boat storage sheds.
- The recycling (bottle) bins storage area should be located to the east of the proposed onsite sheds (i.e. between the sheds and the Chinderah Bay Drive road corridor) to maximum the separation distance between the offsite and future residential dwellings as detailed in Sketch 1 in Appendix A of this report.
- No boat repairs or maintenance be undertaken onsite.
- No high pressure water hoses are to be used onsite or at the wash bay.
- Engine flushing is to occur for a maximum period of 2 minutes (within any 15 minute period).
- Engines are to run at idle during engine flushing (i.e. no revving of engine).
- Staff should minimise metal impacts when hitching/unhitching trailers.
- Driveway hardstand areas be finished with surface coatings which prevent tyre squeal (an uncoated surface is acceptable).
- Drainage grating over trafficable areas be well secured to prevent rattling.

[USENS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

93. 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]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) 3m wide easement is to be registered over the existing sewer main.

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

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

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

[PSC0835]

95. 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]

96. 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]

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

[PSC1165]

98. 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]

P 17

AMENDMENT

Cr K Milne
Cr M Armstrong

RECOMMENDED that Development Application DA13/0502 for a staged development - boundary adjustment, boat storage facility and one dwelling as a caretakers residence and one dwelling with a commercial premise component at Lot 23 DP 1130032 No. 7 Chinderah Bay Drive, Chinderah; Lot 22 DP 1130032 No. 9 Chinderah Bay Drive, Chinderah be deferred for a workshop, and to allow the following information to be provided in the Council report in relation to:

1. The increase in numbers of boats expected on the river in peak demand times.
2. Where these boats are expected to frequent, details on the safe carrying capacity in these areas, and how it could be ensured that boats do not congregate in the areas where safe carrying capacity is exceeded.
3. Potential legal liability for Council if boating collisions occur, if safe carrying capacity has been exceeded.
4. Potential environmental impacts from increased boating activity, including but not limited to riverbank erosion, seagrass, marine life and birdlife.
5. Impacts on Council's infrastructure, including but not limited to boat ramps and parking, and any costs associated to Council.
6. Noise impacts on the amenity of the area.

7. Treatment of stormwater and waste water, including but not limited to, engine flushing, boat cleaning, maintenance, refuelling etc.
8. Potential implications from the Chinderah Marina Land and Environment Court case.

The Amendment was **Carried** (Minute No. P17 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr C Byrne
ABSENT. DID NOT VOTE - Cr W Polglase

The Amendment on becoming the Motion was **Carried** - (Minute No P17 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr C Byrne
ABSENT. DID NOT VOTE - Cr W Polglase

- 11 **[PR-PC] Class 1 Appeal in Relation to Development Application DA13/0397 for an Extension to Existing Car Park at Lot 2 DP 1059784 No. 16 Pearl Street, Kingscliff; Lot 100 DP 1071633 No. 24-26 Pearl Street, Kingscliff**

P 18

Cr C Byrne
Cr P Youngblutt

RECOMMENDED that in respect of its decision to refuse DA13/0397 for an extension to existing car park at Lot 2 DP 1059784 No. 16 Pearl Street, Kingscliff and Lot 100 DP 1071633 No. 24-26 Pearl Street, Kingscliff, Council defends the appeal.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase

COMMITTEE DECISION:

P 19

**Cr P Youngblutt
Cr M Armstrong**

RECOMMENDED that the Planning Committee resumes in open Council under the Chairmanship of the Mayor.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr W Polglase**

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**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that the recommendations of the Planning Committee held Thursday 6 March 2014 be adopted:

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

RECOMMENDED that Council notes there are no variations for the month of February 2014 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

4 [PR-PC] Development Application DA10/0800.03 for an Amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 Comprised of 475 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban InfraFINAL Agenda Master (Minutes)structure (JRPP) at Lot 1 DP 570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Significant, Non-Pecuniary Interest in Items 4 and 5. The nature of the interest is that Cr K Milne is involved in a defamation legal matter with LEDA Developments. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

RECOMMENDED that Development Application DA10/0800.03 for an amendment to Development Consent DA10/0800 for Cobaki Estate Subdivision of Precinct 1 and 2 comprised of 475 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP

570076, Lots 54, Pt 199, 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529 & Lots 46, 55, Pt 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be approved and the consent be modified as follows:

1. Delete Condition No. 16 and replace it with Condition No. 16A which reads as follows:

16A. Evidence must be submitted to Council prior to the registration of any Plan of Residential Subdivision, demonstrating that works have been commenced in accordance with the Revised Saltmarsh Rehabilitation Plan by James Warren and Associates dated October 2010 and as specified within Condition 65 of MP08_0200.

The works are to be undertaken in accordance with the timing and responsibilities contained within the approved, Final Saltmarsh Rehabilitation Plan.

2. Delete Condition No. 18 and replace it with Condition No. 18A which reads as follows:

18A. The proponent must maintain Asset Protection Zones (APZs) for Precinct 1 and 2 for a period of five years from the date of the issue of the first subdivision certificate for Precinct 1 or 2. The APZs must be regularly slashed to ensure a reduced fuel zone and Council is to be notified on each occurrence. Council will audit APZs annually, prior to the bushfire danger period, and at other times as appropriate (e.g. when the risk of bushfire is high), to ensure APZs are compliant with Planning for Bushfire Protection 2006 and in order to meet its reporting requirements under the Rural Fires Act 1997. If APZs are not compliant, the proponent must undertake the necessary works as directed by Council and within the timeframe specified by Council. An unconditional bond to the value of 5% of the Asset Protection Zone (including landscaping, fencing, earthworks and fire trail) cost will be held in the favour of Council to be utilised in the event of non-compliance with this condition.

Release of the bond will be at the completion of the five year maintenance period dependent upon the performance of carrying out the requirements of this condition.

3. Delete Condition No. 32 and replace it with Condition No. 32A which reads as follows:

32A. 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
 - Clearly showing pre and post development levels (spot levels and contours) at a legible scale.
 - Comply with the provisions of Council's Design Specification D6 – Site Regrading.
 - Batter slopes on drain cross sections and in public open space areas shall not exceed 1:4 (v:h), unless otherwise authorised by Council.
 - The maximum disturbed area (that has not been permanently vegetated) at any time shall not exceed 5ha, unless otherwise approved by the General Manager or his delegate
- Roadworks/furnishings
 - Providing road profiles complying with Council's Design Specification D1 – Road Design, unless approved otherwise by Council.
- Stormwater drainage
- Water supply works
 - In general accordance with Yeats Consulting Engineers - Water Network Analyses, April 2011, Revision 03, unless modified otherwise by the conditions of this Consent.
- Sewerage works
 - In general accordance with Yeats Consulting Engineers - Master Sewer Reticulation Plan Revision C, unless modified otherwise by the conditions of this Consent.
- Landscaping works
- Sedimentation and erosion management plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

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

46A. Any playgrounds provided must comply with the guidelines established in the Playground Audit for Tweed Shire Council (July 2009), appendix 3 establishes the procedure for assessing nearby hazards and mitigation measures. The proposed open space areas for this stage as identified in Planit Consulting Drawing Set Dated March 2011 shall be designed to minimise the hazards to designated playground areas consistent with those mitigating features identified in Appendix 3A7 of

the Playground Audit for Tweed Shire Council (July 2009). Detailed drawings and reporting outlining mitigation measures to be employed to mitigate risk are to be submitted for approval by the General Manager or his delegate. In proposing mitigation measures consideration of long term maintenance costs shall be considered and evaluated in any reporting.

5. Delete Condition No. 51 and replace it with Condition No. 51A which reads as follows:

51A. One or more detailed Habitat Restoration Plan(s) must be submitted to and approved by Council in accordance with Council's draft guidelines (attached), and in accordance with specific matters listed in Condition C4 of Concept Plan MP 06_0316.

Such plan(s) must be prepared for Management Areas 1, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated April 2013 and representing compensatory offset for loss of habitat and Endangered Ecological Communities (EEC) on the site in areas adjacent to the development. Where offset areas as detailed in the Revised Site Regeneration and Revegetation Plan are proposed as an alternate use within the Subdivision Plan (that is, other than as an environmental protection area such as park or drainage reserve lots), additional EEC and habitat offset areas must be designated elsewhere in a location suitable to the vegetation community and/or threatened species to be protected and their habitat restored, with such areas totalling at least as committed within Concept Plan MP06_0316. The Habitat Restoration Plan(s) must also include:

- (a) a schedule and timing of works to be undertaken
- (b) a statement of commitment by the consent holder to maintain the works until the relevant performance criteria of the Site Regeneration and Revegetation Plan are achieved and until such time as an agreement is reached with Council regarding the dedication of that land.
- (c) a statement of commitment by the consent holder that the works will be completed by qualified and experienced bush regeneration personnel.
- (d) a mechanism to fund in perpetuity the ongoing maintenance of the environmental protection land.

6. Insert new Condition 51.1 as follows:

51.1. Following the successful rehabilitation of Management Areas 1, 2, 3, 4, 13 of the Revised Site Regeneration and Revegetation Plan by James Warren and Associates dated October 2013, the landowner shall offer to dedicate that land to Council.

7. Delete Condition No. 55 and replace it with Condition No. 55A which reads as follows:
 - 55A. Asset Protection Zones for Precinct 1 and 2 must be compliant with the bush fire protection measures for residential subdivisions as outlined in Section 4.1.3 of Planning for Bush Fire Protection 2006. If APZs are not compliant with acceptable solutions as per Section 4.1.3 of Planning for Bush Fire Protection 2006, then as per the guidelines a detailed performance assessment must be prepared by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia and submitted to Council for approval. The performance assessment must include a detailed assessment and demonstration that the APZ can be maintained in the long term with minimal resources in a cost effective manner without compromise of its function to the satisfaction of the General Manager or delegate.

8. Delete Condition No. 56 and replace it with Condition No. 56A which reads as follows:
 - 56A. The Plans lodged for Construction Certificate must be certified by a Bushfire Planning and Design Certified Practitioner (BPAD-A) accredited under the Fire Protection Association of Australia as compliant with Planning for Bushfire Protection Guidelines 2006 or the alternate solutions approved by Council under Conditions 54 and 55.

9. Delete Condition No. 59 and replace it with Condition No. 59A which reads as follows:
 - 59A. Should, following the proponent's best endeavours, National Rental Affordability Scheme (NRAS) (or equivalent) funding be available to provide affordable housing within the development in accordance with the approved Cobaki Estate Affordable Housing Study, a staging plan detailing the location, mix and type of dwellings to be provided as affordable rental accommodation is to be submitted to Council in accordance with the recommended strategy contained in the Cobaki Estate Affordable Housing Study (Final Version print date 14.1.2011) prepared for Leda Manorstead Pty Ltd. by Hill PDA and dated November 2010.

10. Delete Condition No. 68 and replace it with Condition No. 68A which reads as follows:
 - 68A. Prior to the commencement of civil works a Construction Environmental Management Plan (CEMP) must be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the proposal during construction. The CEMP must include, but not be limited to all matters specified within

Condition 25 of Project Application MP08_0200 and be submitted to and approved by the PCA prior to commencement of construction, or within such period otherwise agreed by the General Manager or delegate.

11. Delete Condition No. 100 and replace it with Condition No. 100A which reads as follows:

100A. All waters that are to be discharged from the site during dry weather periods and wet weather periods up to the Q3 month rain event (as defined in Council's Design Specification D7 – Stormwater Quality) shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. Where water is to be discharged from the site the contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

12. Delete Condition No. 112 and replace it with Condition No. 112A which reads as follows:

112A. The proposed passive parks are to be progressively dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan. Embellishment arrangements shall be in place prior to the issue of a Subdivision Certificate.

13. Delete Condition No. 114 and replace it with Condition No. 114A which reads as follows:

114A. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath and cycleway construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths and cycleways are built on.

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

14. Delete Condition No. 115 and replace it with Condition No. 115A which reads as follows:

115A. A bond shall be lodged to ensure suitable care and maintenance is provided to plantings and turf over a 12 month establishment period. This care is required to achieve optimal plant establishment and performance. The bond shall be held by Council to ensure that the associated landscaping is maintained by the developer for a period of 12 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.

15. Delete Condition No. 116 and replace it with Condition No. 116A which reads as follows:

116A. Cash Bond/Bank Guarantee

- (a) A Cash Bond or Bank Guarantee to ensure that the approved Site Regeneration and Revegetation Plan (SRRP) is implemented and completed, must be lodged with Council prior to the release of the Subdivision Certificate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works remaining to be undertaken in accordance with the approved SRRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of the General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the SRRP. The amount of the bond will be equivalent to 100% of the estimated cost of works.
- (b) One third of the Cash Bond or Bank Guarantee will be refunded one year after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works are being satisfactorily undertaken in accordance with the approved SRRP. A further one third of the Bond or Bank Guarantee will be refunded 3 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that works have been satisfactorily reached the defined half-way stage of the SRRP. The final one third of the Bond or Bank Guarantee will be released 5 years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the SRRP has been satisfactorily completed.
- (c) Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Environmental Restoration Plan SRRP works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee refunding stages and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the SRRP must be undertaken once the need is identified.

16. Delete Condition No. 129 and replace it with Condition No. 129A which reads as follows:

129A. The Plan of Proposed Subdivision shall dedicate the proposed drainage reserve adjacent to that stage of the development at no cost to Council. The proponent shall submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

17. Delete Condition No. 144 and replace it with Condition No. 144A which reads as follows:

144A. The staged embellishment of all areas of casual open space, structured open space, cycleways, pedestrian links and streetscapes is to be completed, consistent with the approved landscape plans, to the satisfaction of the General Manager Tweed Shire Council or delegate prior to issue of the Subdivision Certificate.

The Developer will be responsible for maintaining the installed playground equipment and softfall for a period of 6 months after 20% of the relevant stage's allotments have been occupied. A maintenance compliance bond of 5% of the total cost of the installed playground equipment and softfall must be paid to Council prior to the release of the relevant Subdivision Certificate for each stage. The bond will be return upon request at the completion of the maintenance period, if not expended during the maintenance period.

18. Delete Condition No. 155 and replace it with Condition No. 155A which reads as follows:

155A. Prior to the release of a Subdivision Certificate the land owner of the site of the future Cobaki Community Centre under Concept Plan Approval MP06_0316 is to enter into a Deed of Agreement with Council such that the identified land is to be provided with a constructed road frontage and all normal urban services and dedicated to Council at no cost prior to the release of a Subdivision Certificate that would allow the creation of more than 2000 residential lots within the Cobaki development.

A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS C BYRNE, P YOUNGBLUTT AND B LONGLAND. THIS RESCISSION MOTION WILL BE DEALT WITH AT THE COUNCIL MEETING OF 20 MARCH 2014.

- 5 [PR-PC] Development Application DA10/0801.02 for an Amendment to Development Consent DA10/0801 for the Cobaki Estate Subdivision of Precinct 6 Comprised of 442 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Significant, Non-Pecuniary Interest in Items 4 and 5. The nature of the interest is that Cr K Milne is involved in a defamation legal matter with LEDA Developments. Cr K Milne advised she will remain in the Chambers during discussion and voting on these matters.

RECOMMENDED that Development Application DA10/0801.02 for an amendment to Development Consent DA10/0801 for the Cobaki Estate subdivision of Precinct 6 comprised of 442 residential lots (including 1 residual lot) and lots for drainage, open space and urban infrastructure (JRPP) at Lot 1 DP 570076, Lots 54, Part Lot 199 & Lot 200 DP 755740 Piggabeen Road, Cobaki Lakes; Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lot 2 DP 566529, Lots 46, 55, Part 199, 201, 202, 205, 206, 209, 228, 305 DP 755740 Sandy Lane, Cobaki Lakes be deferred to 20 March 2014 ordinary Council meeting to enable the consideration of information with regards to the ecological, engineering and integrity of the various underpass designs.

- 6 [PR-PC] Development Application DA13/0624 for a Detached Dual Occupancy, Gazebo & Swimming Pool - Two Stages at Lot 501 DP 1174455 No. 161 Overall Drive, Pottsville

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of the North Coast Regional Environmental Plan regarding overshadowing of beaches or adjacent open space before 3pm midwinter or 7pm midsummer be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
- B. Development Application DA13/0624 for a detached dual occupancy, gazebo & swimming pool – two stages at Lot 501 DP 1174455 No. 161 Overall Drive, Pottsville be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as listed in the table below, except where varied by the conditions of this consent:

TITLE	PREPARED BY	DATED
Site Plan - Ground Floor (Sheet 4 of 27)	Stuart Osman Building Designs	Rev I dated 22/01/14
House 1 - Floor Plan	Stuart Osman Building	Rev I dated

TITLE	PREPARED BY	DATED
(Sheet 8 of 27)	Designs	22/01/14
House 1 - Roof Plan (Sheet 9 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
Elevation 1 and Elevation 2 (Sheet 10 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
Elevation 3 and Elevation 4 (Sheet 11 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
House 2 - Floor Plan (Sheet 17 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
House 2 - Roof Plan (Sheet 18 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
Elevation 1 and Elevation 2 (Sheet 19 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
Elevation 3 and Elevation 4 (Sheet 20 of 27)	Stuart Osman Building Designs	Rev 1 dated 22/01/14
Site Elevation - East Boundary (as amended in red and highlighted)	Stuart Osman Building Designs	Rev 1 dated 22/01/14

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
3. 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]

4. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. [GEN0300]

5. This is a staged consent as follows:
 - Stage 1 comprises the construction of Dwelling 1, gazebo and swimming pool.
 - Stage 2 comprises the construction of Dwelling 2.

All conditions apply equally to both stages unless otherwise specified.

6. The Dwelling 2 site must be maintained in a clean and tidy manner and grassed until such time as Dwelling 2 is constructed.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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]
8. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. This plan must also consider the landscape plan requirements of DCP A1 - Residential Development Code, especially with regard to native indigenous plant species. [PCC0585]
9. A single dwelling or group of up to three attached or detached dwellings, having a Building Code classification of 1a, must be connected by means of a single water service pipe each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements. [PCC1305]
10. If the development is likely to disturb or impact upon telecommunications infrastructure, 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.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

PRIOR TO COMMENCEMENT OF WORK

11. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:

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

[PCW0215]

12. 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]

13. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
[PCW0235]
14. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 15 persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council
[PCW0245]
15. 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]
16. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

DURING CONSTRUCTION

17. 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]

18. 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]

19. 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]

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

[DUR0405]

21. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

22. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
[DUR0905]
23. 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]
24. 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]
25. 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]
26. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
- (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.
[DUR2075]
27. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
[DUR2085]

28. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building. [DUR2485]
29. 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]
30. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
31. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
32. 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]
33. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008. [DUR2835]

34. All batters shall remain clear of any easements.
35. All fencing shall comply with DCPA1 - Residential and Tourist Development Code.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

36. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

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

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

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

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

[POC0265]

38. 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]

39. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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:
1.3 Trips @ \$1330 per Trips
(\$1,284 base rate + \$46 indexation)
S94 Plan No. 4
Sector8_4 | \$1,729 |
| (b) Open Space (Casual):
0.75 ET @ \$543 per ET
(\$502 base rate + \$41 indexation)
S94 Plan No. 5 | \$407 |
| (c) Open Space (Structured):
0.75 ET @ \$622 per ET
(\$575 base rate + \$47 indexation)
S94 Plan No. 5 | \$467 |
| (d) Shirewide Library Facilities:
0.75 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$629 |
| (e) Bus Shelters:
0.75 ET @ \$64 per ET
(\$60 base rate + \$4 indexation)
S94 Plan No. 12 | \$48 |
| (f) Eviron Cemetery:
0.75 ET @ \$123 per ET
(\$101 base rate + \$22 indexation)
S94 Plan No. 13 | \$92 |
| (g) Community Facilities (Tweed Coast - North)
0.75 ET @ \$1389 per ET
(\$1,305.60 base rate + \$83.40 indexation)
S94 Plan No. 15 | \$1,042 |
| (h) Extensions to Council Administration Offices
& Technical Support Facilities | |

0.75 ET @ \$1860.31 per ET \$1,395.23
 (\$1,759.90 base rate + \$100.41 indexation)
 S94 Plan No. 18

(i) Cycleways:
 0.75 ET @ \$473 per ET \$355
 (\$447 base rate + \$26 indexation)
 S94 Plan No. 22

(j) Regional Open Space (Casual)
 0.75 ET @ \$1091 per ET \$818
 (\$1,031 base rate + \$60 indexation)
 S94 Plan No. 26

(k) Regional Open Space (Structured):
 0.75 ET @ \$3830 per ET \$2,873
 (\$3,619 base rate + \$211 indexation)
 S94 Plan No. 26

[POC0395]

40. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

41. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.

[POC0475]

42. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have 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 DSP6:	1 ET @ \$12575 per ET	\$12,575
Pottsville/Burringbar Water Levy:	1 ET @ \$2113 per ET	\$2,113
Sewer Hastings Point:	1 ET @ \$6042 per ET	\$6,042

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.

[POC0675]

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

[POC0905]

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

[POC1045]

USE

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

[USE0175]

46. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool (Section 17 Swimming Pool Act 1992).
- (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.

[USE1295]

7 [PR-PC] Development Application DA02/1983.16 for an Amendment to Development Consent DA02/1983 for Use of Property for Filming and Producing a Television Program at Lot 77 DP 755715 Dungay Creek Road; Part Lot 74 DP 755715 No. 366 Dungay Creek Road; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay

RECOMMENDED that Development Application DA02/1983.16 for an amendment to Development Consent DA02/1983 for use of property for filming and producing a television program at Lot 77 DP 755715 Dungay Creek Road; Part Lot 74 DP 755715 No. 366 Dungay Creek Road; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay be approved and the consent be amended as follows:

1. Amend the Consent to state at the end:

The consent to expire on 1 June 2017.

2. Replace Condition 1B with Condition 1C as follows:

1C. The development shall be completed in accordance with the Statement of Environmental Effects; Drawing No 34504 prepared by Brown and Haan Surveyors and dated 27/11/2002; Drawing No 34505 prepared by Brown and Haan Surveyors; Plans No A1219 prepared by Edwin Shirley Stage Australia Pty Ltd dated 28/11/2002; Plan No A1-221102 Sheets 1 & 2 prepared by Richard Harry Engineering Services and dated 11/2002; Plan No 232311 prepared by Waco Kwikform and dated 26/11/2002, except as amended by Drawing No.20345 Sheets 1 to 5 prepared by Brown and Haan and dated 26/2/2003; Plans and documentation prepared by Richard Harry Engineering Services dated 3/2/2003. Where amended the development shall be completed in accordance with Plan No.20345 Dwg 345C6 prepared by Brown and Haan dated 22/9/2003, and plans and documentation prepared by Richard Harry Engineering Services Pty Ltd dated 23/9/2003, except where varied by these conditions. Where amended the development shall be undertaken in accordance with Sheet Nos. 2,3 & 4 of Site Plan 20345 prepared by Brown & Haan Surveyors, Floor Plan Nos. B12052-01 & B12052-02, 4034531, BH5-1230, MP3630, 4036921_1, 4044234-01 and 4044417_01 prepared by Ausco Building Systems and submitted with the amendment application dated 9 September 2006, *Dungay Creek Road Environmental Management Plan ('EMP') Report for Granada Productions dated September 2013 prepared by Ecosure, Flora and Fauna Assessment Final Report for Granada Australia / ITV Studios dated 26 August 2013 prepared by Ecosure including Addendum to Flora and Fauna Assessment Report, for Granada Australia / ITV Studios dated 26 August 2013 prepared by Ecosure* and the Site Management Plan as submitted on 27 August 2010.

3. Delete Condition 1.1 in its entirety as the provisions have been satisfied.
4. Replace Condition 1.3 with Condition 1.3A as follows:

1.3A The applicant shall amend the Habitat Restoration Plan ('HRP') being Habitat Restoration Plan Final Report, for Granada Australia/ITV Studios, dated 26 August 2013, prepared by Ecosure to reflect updated scheduling and timeframes for ecological restoration to 2017. Specifically, Table 14 titled Implementation schedule for restoration works shall be amended to replicate frequency of 'Maintenance Works' as shown on the table for upcoming periods during 2014 - 2017. The amended HRP shall be submitted and approved by Council's General Manager or delegate prior to commencement of the first filming and production session in 2014 approved by this consent.

Works are to be implemented in accordance with the approved amended Habitat Restoration Plan (unless otherwise modified and approved by Council's General Manager or delegate) to Council's satisfaction throughout the consent period and including final site remediation phase.

5. Replace Condition 4B with Condition 4C as follows:

4C. Any removal or relocation of protected fauna on the property shall only be undertaken in accordance with scientific licence or under written advice from the NSW Department of Environment and Heritage. No planting of exotic species or weeds is to occur on the site. Any introduced fauna is to be sourced from agents certified to be free of pests and diseases with potential to impact native fauna, in particular introduction of Plague Minnow or Mosquito Fish (*Gambusia holbrooki*) with aquatic species; chytrid fungus causing the disease chytridiomycosis with amphibians; Psittacine circoviral (beak & feather) disease with birds and *Phytophthora cinnamomi* with plants.

6. Delete Condition 34.1 in its entirety as the provisions have been satisfied.

7. Replace Condition 1.2 with Condition 1.2A as follows:

1.2A. A current approval to operate the on-site sewage management system shall be in place at all times.

8 [PR-PC] Development Application DA12/0170.04 for an Amendment to Development Consent DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos. 26- 28 Tweed Coast Road, Cabarita Beach

RECOMMENDED that Development Application DA12/0170.04 for an amendment to Development Consent DA12/0170 for alterations and additions to motel (staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent; Lots 1 & 2 Section 4 DP 29748 Nos 26- 28 Tweed Coast Road, Cabarita Beach be approved and the consent be amended as follows:

1. Insert Condition No. 1.1 which reads as follows:

1.1. *The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:*

- *Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;*
- *Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;*
- *First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;*
- *Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;*
- *Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;*
- *North Elevation, S96 07, Revision G, dated 23/10/2013;*
- *South Elevation, S96 08, Revision G, dated 23/10/2013*
- *East Elevation, S96 09, Revision G, dated 23/10/2013*
- *West Elevation, S96 10, Revision G, dated 23/10/2013*
- *Section A, S96 11, Revision G, dated 23/10/2013;*
- *Section B, S96 012, Revision G, dated 23/10/2013;*
- *Section C, S96 13, Revision G, dated 23/10/2013;*

All prepared by Virginia Kerridge Architect, except where varied by the conditions of this consent.

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

1B. The development shall be carried out in three (3) stages as follows:

Stage 1:

- Construction of new covered entry including common amenities;
- Conversion of existing caretakers dwelling, laundry, reception and restaurant service kitchen area to new circulation space, reception, reception office, restaurant dining space, new kitchen, chef office, dry store, cold store, freezer, wine store and lift;
- Renovation of rooms 1 through 5 including room enlargement and new individual ground level balcony areas;
- Conversion of room 6 and adjoining storage space into new kitchen store and communal lounge room;
- Renovation of existing serviced apartment and existing rooms 7 through 12 (identified as rooms 6 through 11 pm proposed plans) including room and balcony enlargement;
- Conversion of rooms 14 and 15 into a second serviced apartment;
- Renovation of existing external staircase access upgraded to comply with the Building Code of Australia (BCA)
- Construction of outdoor food and beverage service area;
- Construction lounge, bar and outdoor bar area;

- Construction of external bin storage area, equipment store and new at grade car parking;
- Partial site landscaping;
- Renovation of existing stair access to foreshore reserve; and
- Retention and renovation of existing swimming pool.

Stage 2:

- Construction of third level including new motel rooms 12 through 19;
- Extension of existing external stairs to provide access to third level; and
- Partial site landscaping.

Stage 3:

- Construction of new caretakers dwelling, storeroom, common amenities and multipurpose space.

3. Add the following new Condition No. 15.1 under the GENERAL heading which reads as follows:

15.1. The roof top of the dining/lounge/bar area not forming part of the private terrace for the south apartment is not to be used for trafficable purposes.

4. Add the following new Condition No. 15.2 under the GENERAL heading which reads as follows:

15.2. The 'chicken run' referenced on the Ground Floor Plan Drawing No. S9603, Issue G dated 23/10/2013 does not form part of this approval.

5. Add the following new Condition No. 15.3 under the GENERAL heading which reads as follows:

15.3. The proposed height of the timber 'privacy screen' along the southern side of the private terrace for the south apartment is to be increased from 1.6m to 2.0m in height.

6. Delete Condition No. 23 and replace it with Condition No. 23A which reads as follows:

23A. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plan and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required work:

- (a) *Vehicular access: construction of two (2) vehicular footpath crossings.*
- (b) *Construction of a 1.2m wide concrete footpath to the following standards (100mm thick concrete reinforced with S72 mesh over 50mm compacted crusher dust) constructed along the entire site frontage on Cypress Crescent and linking into the existing concrete footpath on Tweed Coast Road*

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

- *Road works/furnishings*
- *Stormwater drainage*
- *Water and sewerage works*
- *Sediment and erosion control plans*
- *Location of all services/conduits*
- *Traffic control plan*

[PCC0895]

- 7. Delete Condition No. 29 and replace it with Condition No. 29A which reads as follows:

29A. An updated noise management plan shall be prepared and submitted to the satisfaction of the General Manager or his delegate which details the type of plant and equipment proposed, proposed location of all plant and equipment, and proposed noise mitigation measures to ensure that the emission of intrusive noise is prevented. Such management plan shall be submitted and approved prior to the issue of the construction certificate.

- 8. Delete Condition No. 69.

- 9. Delete Condition No. 89 and replace it with Condition No. 89A which reads as follows:

89A. The outdoor food and beverage service area is to be constructed as a separate structure and be demountable or relocatable.

- 10. Delete Condition No. 93 and replace it with Condition No. 93A which reads as follows:

93A. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT

be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

Stage 1

- (a) Tweed Road Contribution Plan:
12.92 Trips @ \$1186 per Trips \$15,323
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4
Sector7_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 5.1.1 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 (Casual):
2.1 ET @ \$543 per ET \$1140
(\$502 base rate + \$41 indexation)
S94 Plan No. 5
- (c) Shirewide Library Facilities:
2.1 ET @ \$838 per ET \$1760
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (d) Community Facilities (Tweed Coast - North)
2.1 ET @ \$1389 per ET \$2917
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15
- (e) Extensions to Council Administration Offices
& Technical Support Facilities
2.1 ET @ \$1860.31 per ET \$3906.65
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18
- (f) Regional Open Space (Casual)
2.1 ET @ \$1091 per ET \$2291
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26

Stage 2

- (a) Tweed Road Contribution Plan:
12.4 Trips @ \$1186 per Trips \$14706
(\$1145 base rate + \$41 indexation)
S94 Plan No. 4
Sector7_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 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads (trip one way)

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

Admin. Administration component - 5% - see Section 6.5

- (b) Open Space (Casual):
6.5 ET @ \$543 per ET \$3530
(\$502 base rate + \$41 indexation)
S94 Plan No. 5
- (c) Shirewide Library Facilities:
6.5 ET @ \$838 per ET \$5447
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (d) Community Facilities (Tweed Coast - North)
6.5 ET @ \$1389 per ET \$9029
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15
- (e) Extensions to Council Administration Offices
& Technical Support Facilities
6.5 ET @ \$1860.31 per ET \$12092.02
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18
- (f) Regional Open Space (Casual)
6.5 ET @ \$1091 per ET \$7092
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26

[POC0395]

11. Delete Condition No. 99 and replace it with Condition No. 99A which reads as follows:

99A. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate for Stage 1 (whichever comes first), all Section

64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 1

Water DSP6:	2.3612 ET @ \$12575 per ET	\$29,692.10
Sewer Hastings Point:	3.8827 ET @ \$6042 per ET	\$23,459.30

Stage 2

Water DSP6:	1.5 ET @ \$12575 per ET	\$18,862.50
Sewer Hastings Point:	2.25 ET @ \$6042 per ET	\$13,594.50

Stage 3

Water DSP6:	0.0658 ET @ \$12575 per ET	\$827.40
Sewer Hastings Point:	0.0987 ET @ \$6042 per ET	\$596.30

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.

[POC0675]

12. Delete Condition No. 107 and replace it with Condition No. 107A which reads as follows:

107A. As the development subject of this consent has been identified as being within one or more of the Coastal Hazard Zones as described in Tweed Development Control Plan B25 this consent is subject to the owner of the subject land PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE creating a positive covenant under section 88E of the (*Conveyancing Act, 1919*) on the following terms:

- (i) *The registered proprietor of the subject land acknowledges that the subject land is within a Coastal Hazard Zone as described in Tweed Development Control Plan B25 or any other subsequent iteration of that planning instrument.*

(ii) *The registered proprietor also acknowledges that any development within the subject land must comply with the terms set out herein as follows:*

- a. *In the event that the erosion escarpment comes within 20 metres of any building/s on the subject land then the use of any building/s shall cease and the registered proprietor of the subject land shall remove any or all buildings to a location on the subject land that is further than 20 metres from the erosion escarpment where possible, or off site where not possible. In the event that relocation is not possible, then any affected building shall be demolished.*
- b. *The registered proprietor of the subject land shall bear all costs in relation to the relocation or demolition of any or all buildings located on the subject land.*
- c. *The terms "Coastal Hazard Zones", "erosion escarpment" and any other references of this covenant are to be read as having the meaning in accordance with their definitions in the Tweed Development Control Plan B25".*

13. Delete Condition No. 111 and replace it with Condition No. 111A which reads as follows:

111A. 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.

14. Delete Condition No. 113 and replace it with Condition No. 113A which reads as follows:

113A Hours of operation of the business are restricted to the following:

- Enclosed Dining/Lounge/Bar areas and Outdoor Bar - 7am to 10pm Sunday to Thursday and 7am to 12 midnight Friday, Saturday and Public Holidays.
- Outdoor facilities, including pool and BBQ - 7am - 10pm Monday to Sunday.

15. Delete the GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 and replace it with the following:

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

1. The motel re-development proposal is to comply with the plans; attached to the Bush Fire Safety Authority (BFSA) application, referred by Tweed Shire Council under S100B of the Rural Fires Act and received by the NSW RFS 5/12/13, along with amendments made by the attached conditions. The plans referred to (and used for this assessment) are noted as being prepared by Virginia Kerridge Architect, and are identified as:
 - Site Plan Proposed, S96 02 Revision G, dated 23/10/2013;
 - Ground Floor Plan, S96 03 Revision G, dated 23/10/2013;
 - First Floor Plan Proposed, S96 04, Revision G, dated 23/10/2013;
 - Second Floor Plan Proposed, S96 05, Revision G, dated 23/10/2013;
 - Roof Plan Proposed, S96 06, Revision G, dated 23/10/2013;
 - North Elevation, S96 07, Revision G, dated 23/10/2013;
 - South Elevation, S96 08, Revision G, dated 23/10/2013;
 - East Elevation, S96 09, Revision G, dated 23/10/2013;
 - West Elevation, S96 10, Revision G, dated 23/10/2013.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. 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 documents 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'

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:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'

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:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. Exits are to be located away from the hazard side of the building.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
8. No brushwood fencing shall be used.
9. Roofing of the single storey buildings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Landscaping

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

General Advice – consent authority to note

Bushfire-Resisting Timber

- The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified with Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

- 9 [PR-PC] Development Application DA13/0383 for a Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah

RECOMMENDED that Development Application DA13/0383 for a Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah be deferred for a workshop, and to allow the following information to be provided in the Council report in relation to:

1. The increase in numbers of boats expected on the river in peak demand times.
2. Where these boats are expected to frequent, details on the safe carrying capacity in these areas, and how it could be ensured that boats do not congregate in the areas where safe carrying capacity is exceeded.
3. Potential legal liability for Council if boating collisions occur, if safe carrying capacity has been exceeded.
4. Potential environmental impacts from increased boating activity, including but not limited to riverbank erosion, seagrass, marine life and birdlife.
5. Impacts on Council's infrastructure, including but not limited to boat ramps and parking, and any costs associated to Council.
6. Noise impacts on the amenity of the area.
7. Ecological significance of adjacent wildlife corridor along creek to the south, and potential impacts to the resident Koala population in this corridor particularly from noise and lighting.
8. Treatment of stormwater and waste water, including but not limited to, engine flushing, boat cleaning, maintenance, refuelling etc.
9. Potential implications from the Chinderah Marina Land and Environment Court case.

10 [PR-PC] Development Application DA13/0502 for a Staged Development - Boundary Adjustment, Boat Storage Facility and One Dwelling as a Caretakers Residence and One Dwelling with a Commercial Premise Component at Lot 23 DP 1130032 No. 7 Chinderah Bay Drive, Chinderah; Lot 22 DP 1130032 No. 9 Chinderah Bay Drive, Chinderah

RECOMMENDED that Development Application DA13/0502 for a staged development - boundary adjustment, boat storage facility and one dwelling as a caretakers residence and one dwelling with a commercial premise component at Lot 23 DP 1130032 No. 7 Chinderah Bay Drive, Chinderah; Lot 22 DP 1130032 No. 9 Chinderah Bay Drive, Chinderah be deferred for a workshop, and to allow the following information to be provided in the Council report in relation to:

1. The increase in numbers of boats expected on the river in peak demand times.
2. Where these boats are expected to frequent, details on the safe carrying capacity in these areas, and how it could be ensured that boats do not congregate in the areas where safe carrying capacity is exceeded.
3. Potential legal liability for Council if boating collisions occur, if safe carrying capacity has been exceeded.
4. Potential environmental impacts from increased boating activity, including but not limited to riverbank erosion, seagrass, marine life and birdlife.
5. Impacts on Council's infrastructure, including but not limited to boat ramps and parking, and any costs associated to Council.
6. Noise impacts on the amenity of the area.
7. Treatment of stormwater and waste water, including but not limited to, engine flushing, boat cleaning, maintenance, refuelling etc.
8. Potential implications from the Chinderah Marina Land and Environment Court case.

- 11 **[PR-PC] Class 1 Appeal in Relation to Development Application DA13/0397 for an Extension to Existing Car Park at Lot 2 DP 1059784 No. 16 Pearl Street, Kingscliff; Lot 100 DP 1071633 No. 24-26 Pearl Street, Kingscliff**

RECOMMENDED that in respect of its decision to refuse DA13/0397 for an extension to existing car park at Lot 2 DP 1059784 No. 16 Pearl Street, Kingscliff and Lot 100 DP 1071633 No. 24-26 Pearl Street, Kingscliff, Council defends the appeal.

There being no further business the Meeting terminated at 6.30pm



**Minutes of the Planning Committee Meeting Confirmed at the
Planning Committee Meeting held on
xxx**

Chairman