



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland

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

# Minutes

## Planning and Regulation Reports **Ordinary Council Meeting** **Thursday 12 December 2013**

held at Murwillumbah Cultural and Civic Centre  
commencing at 4.45pm

## COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 4.45pm.

## **IN ATTENDANCE**

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

Also present were Mr Troy Green (Acting General Manager), Mr Michael Chorlton (Acting Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Scott Green (Journalist), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

**818**

**Cr B Longland**  
**Cr C Byrne**

**RESOLVED** that Standing Orders be suspended to deal with Item 27 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**27 [PR-CM] Development Application DA13/0362 for the erection of a shed for use as Tweed Heads Community Men's Shed at Lot 1 DP 1082080 No. 4 Park Street, Tweed Heads**

**819**

**Cr P Youngblutt**  
**Cr C Byrne**

**RESOLVED** that Development Application DA13/0362 for the erection of a shed for use as Tweed Heads Community Men's Shed at Lot 1 DP 1082080 No. 4 Park Street, Tweed Heads be approved subject to the following conditions:

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
  - Drawing No. BLG01-1 Issue B (General Notes and Locality/Site Plan) as amended in red, prepared by Tweed Shire Council and dated 16 October 2013.
  - Drawing No. BLG01-3 Issue A (Floor Plan), prepared by Tweed Shire Council and dated August 2012.

- Drawing No. BLG01-4 Issue A (Elevations) as amended in red, prepared by Tweed Shire Council and dated August 2012.
- Drawing No. BLG01-5 Issue A (Sections) as amended in red, prepared by Tweed Shire Council and dated August 2012.
- Drawing No. BLG01-6 Issue A (Kitchen/Toilet Details), prepared by Tweed Shire Council and dated August 2012.
- Drawing No. BLG01-7 Issue A (Carpark Details), prepared by Tweed Shire Council and dated August 2012.
- Tree Removal Plan dated 8 October 2013.

except where varied by the conditions of this consent.

[GEN0005]

2. Additional advertising structures/signs to the building identification sign to be the subject of a separate development application (where statutorily required).

[GEN0065]

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. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

5. The colour of the walls and roof of the shed shall be *Pale Eucalypt* or a similar earthy, muted colour, subject to approval by the General Manager or delegate.

[GENNS01]

6. All landscaping work is to be completed in accordance with the approved plans within 3 months of the date of issue of any occupation certificate.

[GENNS02]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The developer shall provide 11 car parking spaces including 3 bicycle spaces and 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.

The parallel car parking bays are to be 6.3m long. This will need to be shown on a revised car parking plan.

[PCC0065]

8. 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]

9. 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 is to include a detailed plant schedule that will suitably screen the entire west and north elevations of the shed. It is also to include a detailed plant schedule to integrate with parking areas. Plantings are to reach a minimum height of 2.6m at maturity.

[PCC0585]

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

[PCC0945]

11. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority 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.

[PCC1065]

12. 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]

13. 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]

14. 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]

15. 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]

16. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be provided with a list of construction materials for the roof/ceiling, walls, windows and doors including internal walls and doors indicating compliance with the Rw requirements for these materials as specified in the Noise Level Impact Assessment Report prepared by Craig Hill Acoustics and dated 13 June 2013.

[PCCNS01]

17. Gravitational access to the sewer is required for the building. Details are to be submitted to the General Manager or delegate for approval prior to the issue of a construction certificate.

[PCCNS02]

18. Final building identification signage detail where statutorily required is to be submitted to the satisfaction of the General Manager or delegate prior to the issue of a construction certificate.

[PCCNS03]

19. Prior to the issue of a construction certificate, amended plans shall be submitted to the satisfaction of the General Manager or delegate reducing the roof pitch to 10 degrees and maintaining wall height of 2.6m.

[PCCNS04]

#### PRIOR TO COMMENCEMENT OF WORK

20. 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]

21. 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]

22. 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]

23. 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]

24. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended

that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

25. 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]

26. 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]

27. 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

28. 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]

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

[DUR0015]

30. The provision of 11 car parking spaces including 3 bicycle spaces and parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

31. 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]

32. 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]

33. 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]

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

[DUR0375]

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

[DUR0395]

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

[DUR0405]

37. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

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

[DUR0445]

39. 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]

40. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
41. 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]
41. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
43. 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]
44. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1015]
45. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. [DUR1045]
46. 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]
47. 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]
48. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [DUR1725]
49. 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]

50. 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]
51. 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]
52. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.
- [DUR2205]
53. 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]
54. 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]
55. 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]
56. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
57. 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]
58. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:
- \* 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- \* 50°C in all other classes of buildings.

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

[DUR2555]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 59. 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]

- 60. 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]

- 61. 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]

- 62. 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:

7 Trips @ \$844 per Trips \$5908

(\$815 base rate + \$29 indexation)

S94 Plan No. 4

Sector1\_4

- (b) Extensions to Council Administration Offices

& Technical Support Facilities

0.2166 ET @ \$1860.31 per ET \$402.94

(\$1759.9 base rate + \$100.41 indexation)

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S94 Plan No. 18

[POC0395]

63. 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 DSP4:	0.1 ET @ \$12575 per ET	\$1257.50
Sewer Banora:	0.15 ET @ \$6042 per ET	\$906.30

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]

64. 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]

65. 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]

66. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

USE

67. 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]

68. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

69. Hours of operation of the facility are restricted to the following hours:

Workshop Activities and Meeting Room Activities

\* 8.00am to 5.00pm - Mondays to Fridays

- \* 8.00am to 1.00pm - Saturdays
- \* No operations (inclusive of workshop and meeting room activities) are to occur on Sundays or Public Holidays
- \* All deliveries and pickups relating to the facility are to occur within the approved hours.

[USE0185]

70. 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]

71. A post construction noise assessment report from a suitably qualified acoustic consultant shall be prepared and submitted to the satisfaction of the General Manager or his delegate in respect to noise likely to be generated by the activities associated with the operations of the Men's Shed.

The assessment report shall include any recommended noise amelioration measures to be carried out by the applicant and shall specifically consider the recommendations and requirements as contained within the Acoustic Impact Assessment provided by Craig Hill Acoustics Reference:130613/1 and dated June 13 2013. The report shall be submitted within a period not exceeding 60 days of the date of the commencement of operation of the Men's Shed.

The applicant shall carry out any such recommendations as provided within the post construction noise assessment report to the satisfaction of the General Manager or his delegate within 30 days from the date of the post construction acoustic assessment, provided that the General Manager or his delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or his delegate.

[USE0295]

72. The development shall be carried out in accordance with the provisions and all requirements of the Noise Level Impact Assessment prepared by Craig Hill Acoustics and dated 13 June 2013.

[USE0305]

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

[USE0875]

74. The use of power tools or machinery external to the confines of the building is strictly prohibited.

[USENS01]

75. The kitchen facilities and the premises in general are not to be used for the handling or preparation of food for sale as defined under the provisions of the NSW Food Act 2003.

[USENS02]

76. Activities at the premise shall be supervised by suitably qualified staff at all times.

[USENS03]

77. No residential accommodation shall be provided to clients at the premise.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**ITEM INTRODUCED TO THE AGENDA SUBSEQUENT TO PREVIOUS DECISION**  
(Refer Item 27)

**a27 [PR-CM] Options to Pay Developer Contributions for Not for Profit  
Community Organisations**

**819a**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that officers bring forward a report outlining possible options for the proponent of the Development Application DA13/0362 to pay the developer contributions required under the consent conditions and options or a suggested policy position for like projects proposed by not for profit community organisations located on Council or Crown land.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.35pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 7.26pm.

**820**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Standing Orders be Resumed.

The Motion was **Carried**

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**FOR VOTE - Unanimous**

**REPORTS THROUGH THE ACTING GENERAL MANAGER**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

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

**823**

**Cr P Youngblutt  
Cr K Milne**

**RESOLVED** that Council notes the November 2013 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**22 [PR-CM] Update on Council's Animal Management Practices**

**824**

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that Council:

1. Defers consideration of the report until the March 2014 meeting.
2. Adopts the changes to fees listed in the '*The Companion Animals Amendment Act 2013*', and amend Item 77 of the Fees and Charges 2013/2014 Revenue Policy document accordingly and notes that these are fees set by legislation and do not require the 28 day advertising period.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr C Byrne**

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**23 [PR-CM] Alcohol Free Zones**

**825**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Approves the establishment and timeframes of alcohol-free zones in accordance with section 644B of the Local Government Act 1993, within the Tweed Heads, Tweed Heads South, Kingscliff, Salt, Cabarita Beach and Murwillumbah areas over roads, footpaths and public carparks for a maximum period of four years expiring no later than 1 December 2017 as follows:

**TWEED HEADS**

- Wharf Street between Bay Street and the Queensland border;
- Bay Street, east of Wharf Street to John Follent Park; and
- Chris Cunningham Park public carpark.

*24 hours per day, all days*

**TWEED HEADS SOUTH**

- Public car park adjoining South Tweed Swimming Pool, Home and Community Care (HACC) and skate park.

*24 hours per day, all days*

**KINGSCLIFF**

- Marine Parade between Turnock Street and Cudgen Creek;
- Turnock Street between Marine Parade and Pearl Street;
- Pearl Street between Turnock Street and Seaview Street;
- Seaview Street between Pearl Street and Marine Parade; and
- Lions Park and Faulks Park public carparks and the public carpark adjoining Kingscliff Memorial Park.

*24 hours per day, all days*

**SALT**

- Bells Boulevard.

*Between the hours of 4pm December 31 to 10am January 1*

**CABARITA BEACH**

- Pandanus Parade; and
- Public carpark between Palm Avenue and Pandanus Parade.

*24 hours per day, all days*

MURWILLUMBAH

- Queensland Road between 'Harry Williams Gate' of the Murwillumbah Showgrounds and Murwillumbah Street;
- Public car park area near Mount Saint Patricks School on Queensland Road;
- Bent Street between Queensland Road and Church Street;
- Church Street between Bent Street and Queen Street;
- Alice Street between Queen Street and Church Street;
- Church Lane;
- Police Lane;
- Bruce Lane;
- Queen Street between Murwillumbah Street and Church Street;
- Murwillumbah Street between Nullum Street and Queen Street;
- Wharf Street between Queen Street and Tumbulgum Road;
- Proudfoots Lane;
- Public carparks between Wollumbin Street and Proudfoots Lane;
- Commercial Road between Wharf Street and King Street;
- King Street between Commercial Road and Brisbane Street;
- Public carpark between Lavender Lane and King Street;
- Lavender Lane;
- Brisbane Street between Murwillumbah Street and Condong Street;
- Condong Street between Brisbane Street and Nullum Street;
- Nullum Street between Condong Street and Murwillumbah Street;
- Wollumbin Street between Nullum Lane and Commercial Road;
- Nullum Lane between Wollumbin Street and Byangum Road;
- Byangum Road between Nullum Lane and Muwillumbah Street;
- Alma Street between Commercial Road and Tweed Valley Road;
- Tumbulgum Road between Wharf Street and Racecourse Road;
- Public carparks adjoining Tweed Shire Council civic centre and swimming pool;
- Sunnyside Lane;
- Factory Lane between King Street and Wollumbin Street;
- Budd Park public carpark;
- Knox Park public carpark; and
- Red Cross Hall public carpark.

*24 hours per day, all days*

Excluding those businesses approved by Council for the purposes of footpath dining whilst those businesses are trading.

2. Delegates to the General Manager authority to vary or suspend the zones for special circumstances.
3. Provides a copy of the established zones to the NSW Police Force Local Area Commander and officers in charge of Tweed Heads, Kingscliff and Murwillumbah Police Stations, any liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent, to the zones and the Tweed Byron Aboriginal Land Council.

**FOR VOTE - Cr P Youngblutt, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr W Polglase**

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**24 [PR-CM] Draft Tweed Development Control Plan - Section A17**

**826**

**Cr P Youngblutt**  
**Cr W Polglase**

**RESOLVED** that:

1. The public exhibition of draft Tweed Development Control Plan, Section A17 – Business Development, Enterprise Corridor and Business Park Zones, be undertaken for a minimum period of 45 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979.
2. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**25 [PR-CM] Development Application DA13/0246 for a Three Storey Dwelling and In-Ground Swimming Pool at Lot 598 DP 1076975 No. 40 Marsupial Drive, Pottsville**

**827**

**Cr G Bagnall**  
**Cr K Milne**

**RESOLVED** that Development Application DA13/0246 for a three storey dwelling and in-ground swimming pool at Lot 598 DP 1076975 No. 40 Marsupial Drive, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

[GEN0015]

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

[GEN0115]

3. A 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. In accordance with the Restrictions as to User applying to the land, the applicant/owner shall comply with the following.

- (a) All trees of the *Banksia integrifolia* species greater than 125mm diameter at a height of 1.5 metres above ground level and those trees in the Koala Management Plan approved by the Council, and being koala home range trees, primary browse trees and other trees identified in the map detailing the location of koala usage trees which are utilised by koalas as a component of normal ranging patterns, are not to be removed from the lot.

- (b) A minimum clearance of 300 mm shall be maintained between the underside of any fence and the natural ground level except for swimming pool fences which shall maintain a maximum ground clearance of 100 mm.

- (c) All swimming pools installed on each lot burdened shall possess a stout rope (minimum fifty (50) mm diameter) and one end of the rope must be secured to a stable pool side fixture and the other end must trail in the pool at all times.

- (d) This property is burdened as to the type of plant species that can be planted and those that cannot. The owner is directed to conform with the plant species list contained in Part 5.4 *Koala Beach Landscape Species List* of Tweed DCP Section B21 *Pottsville Locality Based Development Code*.

- (e) No dogs or cats shall be kept either permanently or temporarily on each lot burdened or at the Koala Beach Estate.

[GEN0280]

5. 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]

6. Bushfire Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

Bushfire asset protection zones are to be maintained around the house site at all times to the satisfaction of the NSW Rural Fire Service.

[GEN0320]

7. Bushfire Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

The occupier of the property is to participate in the Static Water Supply Project initiative of NSW Fire Brigade and make available the water in the swimming pool for use as a static water supply for fire fighting purposes by NSW Fire Brigade or Rural Fire Service.

[GEN0325]

8. Bushfire 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:

Construction shall comply with Australian Standard AS3959-2009 'Construction of buildings in Bush Fire-prone areas', Bushfire attack Level (BAL) 12.5 for dwelling.

All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 metres of the habitable building shall be constructed to the same level of construction required for the habitable building in accordance with the requirements of planning for bushfire protection 2006 and AS3959-2009 'Construction of buildings in Bush Fire-prone areas'.

[GEN0335]

9. Any surface rainwater which is intercepted by retaining walls shall not be directed onto adjoining properties and shall be conveyed through the subject allotment to the street kerb and gutter.

[GENNS01]

10. The mature eucalyptus tree positioned on the south-east corner of the allotment shall not be removed by the development. Precautions are to be taken during construction to protect the tree including as appropriate barriers around the drip line of the tree and preventing the parking and storing of materials inside the barrier.

[GENNS02]

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

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. 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]

13. Prior to the issue of a construction certificate a plan of the swimming pool showing the proposed cut and fill levels including retaining walls and interface with the adjoining property boundaries is to be submitted to the Principal Certifying Authority. The plan is to demonstrate no retaining walls or batters exceeding a slope of 1:2 (v:h) or height of 500mm within 900mm of the boundary for cut and 1.5m for fill. The plan must demonstrate suitable means for the drainage and disposal of overflow water to ensure it is not directed onto adjoining properties.

[PCNS01]

- 13A. A landscape plan is to be submitted to Council which demonstrates measures to address potential visual privacy issues between the subject site and Lots 599 and 600 DP 1076975, to the satisfaction of Council's General Manager, or their delegate, prior to the issue of a construction certificate.

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

14. 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]

15. 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]

16. 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]

17. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council.

[PCW0245]

18. All roof waters are to be disposed of through properly jointed pipes 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.

[PCW1005]

## **DURING CONSTRUCTION**

19. 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]

20. 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]

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

[DUR0375]

22. 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]

23. 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]

24. 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]

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

[DUR0445]

26. All cut or fill on the property is to be battered at an angle not greater than 1:2 (v:h) 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]

27. 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]

28. 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]

29. 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]



30. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
31. 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](http://www.swimmingpoolregister.nsw.gov.au). [DUR2075]
32. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
33. 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]
34. 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]
35. 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]
36. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
37. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
-

- \* 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]

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

[DUR2705]

39. Upon completion of the first floor joists a survey certificate is to be provided to the Principal Certifying Authority verifying the development has been constructed to the first floor levels as nominated on the approved plans.

[DURNS01]

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

40. 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]

41. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:
  - (i) the method of protection; and
  - (ii) the date of installation of the system; and
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

42. 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]

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

[POC0435]

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

[POC0905]

45. 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]

46. Prior to issue of an occupation certificate, a survey certificate is to be provided to the Principal Certifying Authority verifying the development has been constructed to the ridge height level as nominated on the approved plans.

[POCNS01]

46A. The first floor southern balustrade is to comprise materials that prevent viewing of the lower adjacent properties to the satisfaction of Council's General Manager or their delegate, prior to the issue of an occupation certificate.

## USE

47. 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]

48. 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]

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

[USE0505]

50. 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]

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

[USE1305]

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**26 [PR-CM] Development Application DA13/0132 for a Change of Use to Surfboard Manufacturing, Extension of Mezzanine Level and Associated Signage at Lot 19 SP 80033 No. 19/23-25 Ourimbah Road, Tweed Heads**

**828**

**Cr M Armstrong  
Cr G Bagnall**

**RESOLVED** that Development Application DA13/0132 for a change of use to surfboard manufacturing, extension of mezzanine level and associated signage at Lot 19 SP 80033; No. 19/23-25 Ourimbah Road TWEED HEADS be approved (under staff delegation when the necessary owners consent is received) subject to the following conditions:

**GENERAL**

1. The development shall be carried out in accordance with:
  - The Statement of Environmental Effects; and
  - The mitigation options and conclusions of the Air Quality Assessment for Superbrand Surfboard Manufacturing Facility, Tweed Heads prepared by Air Noise Environment Pty Ltd dated 7 November 2013 (Document Ref: /Network/Projects/3445/Reporting/3445 report03.odt) which are summarised as follows:
    - \* Rooftop stacks are changed to allow the vertical dispersion of pollutants as per table 5.4 of the report;
    - \* Seal the length of the ceiling/wall joints to minimise the potential for Volatile Organic Compounds to pass into the adjacent units; and
    - \* Completely remove or effectively seal the old ventilation duct work in the glassing room to minimise the potential for Volatile Organic Compounds to escape the enclosed glassing room; and
  - Plan Nos 1 and 2 as marked prepared by the applicant and dated April 2013.except where varied by the conditions of this consent.

[GEN0005]

2. Within 60 days of the date of this consent the applicant is to lodge with Council a Building Certificate (together with the prescribed fee) for approval for the mezzanine floor extension constructed without Council approval. The application is to be supported by structural engineering details detailing the structural adequacy of the structure.

[GENNS01]

3. Within 60 days of the date of this consent the applicant is to lodge an application with Council or a Certifying Authority an Occupation Certificate. Such Occupation Certificate is not to be issued until all conditions of this consent have been satisfied.

[GENNS01]

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

[GEN0115]

5. The premises is to have two parking spaces allocated to it at all times to accommodate the proposed surfboard manufacturing business.

[GENNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

6. 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:

5.6 Trips @ \$844 per Trips	\$4,726
(\$815 base rate + \$29 indexation)	
S94 Plan No. 4	
Sector1_4	

[POC0395/PSC0175]

7. 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 DSP4:	0.112 ET @ \$12575 per ET	\$1,408.40
Sewer Tweed Heads:	0.112 ET @ \$6042 per ET	\$676.70

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]

8. A person must not use the whole or any part of the building (within the meaning of Section 109H(4)) unless an Occupation Certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

9. 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]

## USE

10. 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]

11. Hours of operation of the business are restricted to the following hours:

- \* 8.00am to 5.00pm - Mondays to Fridays
- \* No operations are to be carried out on Saturdays, Sundays or Public Holidays
- \* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

12. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and
- (b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

13. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

14. All containers, whether or not empty, which contain or once contained potentially contaminated materials, parts and the like shall be effectively sealed and stored to the satisfaction of Council's General Manager or delegate.

[USE1045]

15. The development shall be carried out in accordance with the mitigation options and conclusions of the Air Quality Assessment for Superbrand Surfboard Manufacturing Facility, Tweed Heads prepared by Air Noise Environment Pty Ltd dated 7 November 2013 (Document Ref: /Network/Projects/3445/Reporting/3445report03.odt).

All works as specified in the mitigation options and conclusions of the Air Quality Assessment for Superbrand Surfboard Manufacturing Facility, Tweed Heads prepared by Air Noise Environment Pty Ltd dated 7 November 2013 (Document Ref: /Network/Projects/3445/Reporting/3445report03.odt) shall be carried out to the

satisfaction of the General Manager or delegate within 30 days from the development consent being issued, provided that the General Manager or delegate may extend the time period for the carrying out of works to a date that may be determined by the General Manager or delegate.

Written confirmation of compliance with all mitigation options and conclusions of the Air Quality Assessment for Superbrand Surfboard Manufacturing Facility, Tweed Heads prepared by Air Noise Environment Pty Ltd dated 7 November 2013 (Document Ref: /Network/Projects/3445/Reporting/3445report03.odt) from a suitably qualified and practicing air quality investigation consultant shall be submitted to the satisfaction of Council's General Manager or delegate within 30 days of the works being completed.

[USENS01]

16. Upon receipt of an air quality/odour complaint that Council deems to be reasonable, the operator/owner shall submit to Council an air quality assessment carried out by a suitably qualified and practicing air quality investigation consultant. The assessment shall be submitted to Council within a time frame as specified by Council's General Manager or delegate. The air quality assessment report shall include recommendations for air quality attenuation and be submitted to the satisfaction of the General Manager or delegate. The owner/operator shall implement the recommendations of the air quality assessment within a time frame as specified by Council's General Manager or delegate.

[USENS02]

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr C Byrne**

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- 27 This item was dealt with earlier in the meeting (Minute No 819 refers).
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- 28 **[PR-CM] Development Application DA13/0328 for Creation of Staged Storage Units (112 Units) and Conversion of Existing Light Industrial Building to Storage Units (24) with Associated Site Filling and Earthworks in Addition to Existing Lawful Development (L**

829

**Cr P Youngblutt**  
**Cr M Armstrong**

**RESOLVED** that:

- A. Development Application DA13/0328 for creation of staged storage units (112 units) and conversion of existing light industrial building to storage units (24) with associated site filling and earthworks in addition to existing lawful development (light industry) at Lot 201 DP 1002166 Pottsville Road, Sleepy Hollow be approved subject to the following conditions:
-

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
  - Site Plan Stage 1 & 2 Edition A prepared by John McLean and dated 2 April 2013
  - Site Plan Stage 3 & 4 Edition A prepared by John McLean and dated 2 April 2013
  - Site Plan Stage 5 & 6 Edition A prepared by John McLean and dated 2 April 2013
  - Landscaping Plan Edition A prepared by John McLean and dated 2 April 2013
  - Proposed Blocks A, B, C, D Edition A prepared by John McLean and dated 2 April 2013
  - Proposed Blocks A, B, C, D Section A-A Edition A prepared by John McLean and dated 2 April 2013
  - Proposed Block E Edition A prepared by John McLean and dated 2 April 2013
  - Proposed Block E Section B-B Edition A prepared by John McLean and dated 2 April 2013
  - Proposed Alteration to South Building Edition A prepared by John McLean and dated 2 April 2013-11-25
  - Proposed Alterations to South Building Section C-C Edition A as amended in red, prepared by John McLean and dated 2 April 2013
  - Proposed Use of Northern Building Stage 6 of Development Edition A prepared by John McLean and dated 26 November 2013,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 Community and Natural Resources 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. In accordance with Section 79BA of the Environmental Planning and Assessment Act 1979, the applicant is to ensure compliance with the specifications and requirements of Planning for Bushfire Protection 2006.  
[GENNS03]
7. Any on-site signage shall be directed towards Pottsville Road and not the Pacific Highway.  
[GENNS04]
8. Approved signage does not include internal or external illumination, moving graphics or signage elements that flash, flicker or are animated in any way.  
[GENNS05]
9. All access to the site shall be from Pottsville Road. Direct access to the highway is not permitted.  
[GENNS06]
10. Any structure utilised for light industrial purposes shall be designed, constructed and operated in accordance with the Noise Level Impact Assessment issued in association with such use on the site, prepared by Craig Hill Acoustics and dated December 2006.  
[GENNS07]
11. All light industrial activities on the site shall comply with the Site Management Plan for Industrial Site at Lot 201 DP 1002166 Pottsville Road, Sleepy Hollow issued in association with such use on the site, prepared by Southern Cross University and dated August 2008 to the satisfaction of the General Manager or delegate.  
[GENNS08]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. The developer shall provide parking spaces as detailed on Sheet 10 (Development Plans) Version A Project P1205 prepared by Bitzios Consulting and dated 26 March 2013 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 any construction certificate for Stage 1.  
[PCC0065]
13. Prior to the issue of a Construction Certificate for Stage 1, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.  
The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.  
The bond will be refunded, if not expended, when the final Occupation Certificate is issued for Stage 6.  
[PCC0275]

14. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for any stage of 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]

15. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate for the relevant stage, 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]

16. 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 prior to the issue of a construction certificate for Stage 1.

[PCC0485]

17. 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 minimise the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval prior to the issue of any construction certificate for the relevant stage.

[PCC0675]

18. Prior to the issue of a construction certificate for Stage 1, 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 in accordance with Section 5.3 of Tweed Shire Councils Driveway Access to Property Design Specification to be bitumen sealed.
- (b) Minimum dimensional requirements for the driveway are 7m at the base and 13m at the kerb line.

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]

19. Permanent stormwater quality treatment shall be provided prior to the issue of a construction certificate for Stage 1 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]

20. 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.

[PCC1145]

21. Erosion and Sediment Control shall be provided prior to the issue of a construction certificate for Stage 1 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]

22. 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 for Stage 1.

[PCC1195]

23. Prior to the issue of a construction certificate for Stage 1, the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the HMC Environmental Consulting Pty Ltd On-site Sewage Management Design Report (reference: 2013.018 OSSM) dated May 2013 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[PCC1285]

24. Prior to the issue of a construction certificate for Stage 1, Development Consent No. T4/1762 shall be surrendered in accordance with Section 80A(5) of the Environmental Planning and Assessment Act 1979 and Clause 97 of the Environmental Planning and Assessment Regulations 2000.

[PCCNS01]

25. Details of associated signage are to be submitted to the satisfaction of the General Manager or delegate prior to the issue of a construction certificate for Stage 1.

[PCCNS02]

26. Prior to the issue of a construction certificate for Stage 1, an application for a final inspection report to verify the satisfactory installation of all plumbing and drainage (with payment of any prescribed inspection fee) is to be submitted to Council for approval.

[PCCNS03]

#### PRIOR TO COMMENCEMENT OF WORK

27. 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]

28. 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]

29. 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]

30. 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]

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

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of any occupation certificate (for any stage).

[PCW0375]

32. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with

disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

33. 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]

#### DURING CONSTRUCTION

34. 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]

35. 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]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

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

[DUR0215]

37. 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]
38. 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]
39. 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]
40. 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]
41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.  
[DUR0815]
42. 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]
43. 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]
44. 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 an Occupation Certificate for the relevant stage.  
[DUR0995]
45. 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]

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

[DUR1015]

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

[DUR1025]

48. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

49. 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]

50. 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]

51. 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]

52. 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]

53. 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]

54. All works shall be carried out in accordance with the Site Works Management Plan prepared by HMC Environmental Consulting Pty Ltd Report number HMC2013.018 CL dated May 2013 and revised 14 August 2013.

[DURNS01]

55. All imported material shall be from an approved source and free of any contamination. Documentary evidence of the fill source and that the material is



free of any contamination shall be maintained on site and provided to Council upon request.

[DURNS02]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

56. Prior to issue of any occupation certificate for any stage, 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]

57. 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]

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

[POC0225]

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

[POC0355]

60. 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) for the relevant stage, 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.

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 any occupation certificate for the relevant stage.  
The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.6

#### Stage 1

(a) Tweed Road Contribution Plan:

1.584 Trips @ \$1330 per Trips \$2107

(\$1284 base rate + \$46 indexation)

S94 Plan No. 4

Sector8\_4

(b) Extensions to Council Administration Offices  
& Technical Support Facilities

0.1803 ET @ \$1860.31 per ET \$335.41

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

#### Stage 2

(a) Tweed Road Contribution Plan:

1.584 Trips @ \$1330 per Trips \$2107

(\$1284 base rate + \$46 indexation)

S94 Plan No. 4

Sector8\_4

(b) Extensions to Council Administration Offices  
& Technical Support Facilities

0.1803 ET @ \$1860.31 per ET \$335.41

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

Stage 3

- (a) Tweed Road Contribution Plan:  
1.584 Trips @ \$1330 per Trips \$2107  
(\$1284 base rate + \$46 indexation)  
S94 Plan No. 4  
Sector8\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
0.1803 ET @ \$1860.31 per ET \$335.41  
(\$1759.9 base rate + \$100.41 indexation)  
S94 Plan No. 18

Stage 4

- (a) Tweed Road Contribution Plan:  
1.584 Trips @ \$1330 per Trips \$2107  
(\$1284 base rate + \$46 indexation)  
S94 Plan No. 4  
Sector8\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
0.1803 ET @ \$1860.31 per ET \$335.41  
(\$1759.9 base rate + \$100.41 indexation)  
S94 Plan No. 18

Stage 5

- (a) Tweed Road Contribution Plan:  
1.056 Trips @ \$1330 per Trips \$1404  
(\$1284 base rate + \$46 indexation)  
S94 Plan No. 4  
Sector8\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
0.1227 ET @ \$1860.31 per ET \$228.26  
(\$1759.9 base rate + \$100.41 indexation)  
S94 Plan No. 18

Stage 6

(a) Tweed Road Contribution Plan:

8.464 Trips @ \$1330 per Trips \$11257

(\$1284 base rate + \$46 indexation)

S94 Plan No. 4

Sector8\_4

(b) Extensions to Council Administration Offices  
& Technical Support Facilities

0.2618 ET @ \$1860.31 per ET \$487.03

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

[POC0395]

61. All landscaping work is to be completed in accordance with the approved plans prior to the issue of any occupation certificate for Stage 1.

[POC0475]

62. Prior to the issue of any occupation certificate for Stage 1, 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]

63. 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 prior to the issue of any occupation certificate for Stage 1.

[POC0755]

64. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of any Occupation Certificate for Stage 1.

[POC0865]

65. Prior to the issue of any occupation certificate for Stage 1, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

66. Prior to the occupation of any building and prior to the issue of any occupation certificate for Stage 1, approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

USE

67. 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]

68. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

69. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

70. Hours of operation of the light industry business are restricted to the following hours:

- \* 7:00am to 6:00pm - Mondays to Friday
- \* 7:00am to 5:00pm - Saturday
- \* No operations are to be carried out on Sundays or Public Holidays
- \* All deliveries and pickups relating to the light industrial business shall be restricted to 7:00am to 5:00pm - Monday to Friday.

Hours of operation of the storage unit business are restricted to the following hours:

- \* 7:00am to 6:00pm - Mondays to Friday
- \* 7:00am to 5:00pm - Saturday/Sunday
- \* No operations are to be carried out on Public Holidays
- \* All deliveries and pickups relating to the storage unit business are to occur within the approved hours.

[USE0185]

71. 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]

72. 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]

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

[USE0255]

74. No buildings on site shall facilitate or be used or adapted for separate residential habitation or occupation.

[USE0465]

75. All landscaping completed in accordance with the approved plans shall be maintained in perpetuity to the satisfaction of the General Manager or delegate.

[USENS01]

76. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA.

[USENS02]

77. All manufacturing and maintenance activities are to be conducted within a building designated for light industrial purposes (as opposed to storage unit purposes) on the approved plans.

[USENS03]

78. Sand blasting shall not be conducted at the premise.

[USENS04]

79. Windows, doors and any other openings in the north, east or south walls of a building designated for manufacturing are not permitted to be open at any time whilst manufacturing processes are being conducted.

[USENS05]

80. The LAeq (15min) noise level emitted from any activity undertaken in association with light industrial use shall not exceed the background noise level (LA90) by more than 5dBA at the boundary of any affected residence during the permitted hours of operation.

[USENS06]

B. Council commences compliance action with regard to outstanding matters associated with DA06/1275.01.

**830**

## **AMENDMENT**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that this item be deferred until the meeting in January 2014.

The Amendment was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland**

The Motion was **Carried** (Minute No 829 refers).

**FOR VOTE - Unanimous**

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**29 [PR-CM] Development Application DA13/0201 for a Telecommunications Facility at Lot 1 DP 397082 No. 80 Depot Road, Kings Forest**

831

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Development Application DA13/0201 for a telecommunications facility at Lot 1 DP 397082 No. 80 Depot Road, Kings Forest receives in principle support and that conditions of consent be brought forward for consideration at the January 2014 meeting and that the conditions of consent be provided to the Department of Education for their comment.

The Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr B Longland  
AGAINST VOTE - Cr C Byrne, Cr K Milne, Cr G Bagnall***

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**30 [PR-CM] Development Application DA13/0124 for Seven Townhouses at Lot 4 DP 801038 No. 18-20 Cupania Court, Tweed Heads West**

832

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Development Application DA13/0124 for seven townhouses at Lot 4 DP 801038 No. 18-20 Cupania Court, Tweed Heads West be approved subject to the following conditions:

**"DEFERRED COMMENCEMENT"**

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

**Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.**

1. The '8 semi detached townhouses' plans prepared by Planit Consulting dated September 2013 are to be amended, and provided to Council for endorsement, to incorporate the following changes prior to the consent being operational, namely:
  - (a) Delete all references to proposed Residence 8;

- (b) Relocate the eastern turn-around car-parking facility to take the position of former Residence 8. The eastern fire truck turning area shall immediately adjoin Residence 7; and
  - (c) The area extending to the eastern boundary from the north-south aligned boundary of Residence 7 and including the area made available from the deletion of Residence 8 and repositioned fire truck turning area shall be described as 'Environmental Covenant Area - A' to be rehabilitated and managed as a natural area for conservation purposes in perpetuity.
2. The applicant shall amend the Geotechnical Report being Report on Slope Stability Analysis & Retention Wall Modelling Rev. 0 dated 10 September 2013 prepared by Douglas Partners as follows:
  - (a) Remove all structures necessary to manage slope stability hazard from the area identified as 'Environmental Covenant Area A' pursuant to deferred layout amendment conditions detailed above; and
  - (b) Provide engineering certification that the amended geotechnical structure design, made necessary to avoid disturbance within 'Environmental Covenant Area A', meets all engineering design standards and requirements.
3. The applicant shall amend the Bushfire Management Plan being Bushfire Assessment Report 100B Rev. A Lot 4 DP801038 dated 13 December 2012 prepared by Peter Thornton as follows:
  - (a) The plan shall contemplate long term restoration of the area described as 'Environmental Covenant Area - A' to re-establish the pre-clearing vegetation community and provide recommendations necessary to ensure bushfire risks are appropriately managed during the long-term operational phase of development without compromising restoration effort nor requiring any vegetation management works to occur within the 'Environmental Covenant Area - A'; and
  - (b) Demonstrate that required landscape planting will not be impacted by measures necessary to manage bushfire during the long-term operational phase of the development.
4. The applicant shall amend the Statement of Landscape Intent, Sheets 1 to 4, 18 Cupania Court Tweed Heads West dated February 2013 prepared by Planit Consulting to show a single row of 'Advanced' 45 Litre local rainforest buffer trees installed at a minimum spacing of three metres along the entire length of the northern site boundary.

#### SCHEDULE B

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

#### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Approved Plans under Schedule A of this consent, 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. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]
5. The owner is to ensure that the proposed buildings are 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]
6. The proposed development is to be undertaken in accordance with the recommendations contained within the approved Bushfire Threat Assessment Report, prepared by a suitably accredited bushfire consultant.
7. The development's internal driveway must comply with section 4.1.3.(2) of 'Planning for Bush Fire Protection 2006'. The access is to be adequately sign posted, clearly stating that no parking is permitted within the Reversing Bay.

[GENNS01]
8. Earthworks and regrading:
  - (a) Any regrading or reshaping of the site must comply with Council's Design Specification D6 - *Site Regrading*.
  - (b) The southern retaining wall must be located a minimum of 900mm from the southern property boundary and cannot exceed a height of 1.5m at any point.
  - (c) The development must at no time result in additional runoff or ponding occurring within neighbouring properties.
  - (d) All 'uncontrolled' filling over the site shall be removed and where required for site regrading, the filling will be re-compacted under Level 1 supervision.

[GENNS02]
9. Stormwater Management shall be in general accordance with the Site Based Stormwater Management Plan prepared by Terrane Engineering Civil Consultants dated March 2013, except where varied by the following and the conditions of this consent.
  - (a) The cut off drain above the southern retaining wall shall be sized to capture the associated Q100 ARI storm event, generally in accordance Drawing No. 1649-SK31 Rev A, prepared by Terrane Engineering Civil Consultants dated 12.09.13.
  - (b) The required On Site Detention (OSD) must include a Discharge Control Pit (DCP) compliant with the standards of the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook". Note, Permissible Site Discharge (PSD) and Site Storage Requirements (SSR) as referenced in the handbook are not supported by Tweed Shire Council.
  - (c) All roof-water and overflow from rainwater tanks must discharge into the OSD Tank.
  - (d) The OSD tank is to be utilised for detention purposes only.

- (e) Where physically achievable, stormwater shall be treated in accordance with Council's Design Specification D7 - *Stormwater Quality*, prior to discharge into the OSD Tank to minimise the potential for blockages. Stormwater must however be treated prior to discharge into the public realm.

All connecting drainage systems, including guttering, down pipes, rainwater tank overflows and driveway inlet pits, shall be sized to capture and convey the 100 ARI year storm. Details are to be submitted with the S68 stormwater application.

[GENNS03]

10. Erosion and Sediment Control shall be designed, installed and maintained 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".
11. In the event of any future subdivision of the proposed development, any external living areas which are within 4 metres of a side boundary are to be suitably screened to the written satisfaction of Councils General Manager or delegate prior to the issue of a subdivision certificate.

[GENNS04]

12. The 'Environmental Covenant Area - A' must be the subject of an ecological restoration program undertaken in accordance with an approved Habitat Restoration Plan and managed as a natural area for conservation purposes in perpetuity.
13. The approved development shall not result in any clearing of native vegetation within the areas identified as 'Environmental Covenant Area - A' as described in this consent, without prior approval from Council's General Manager or delegate.
14. 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 Habitat Restoration Plan (HRP) works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee 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 HRP must be undertaken once the need is identified.

[GENNS05]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. The developer shall provide 2 parking spaces per unit plus 2 Visitor Parking Spaces in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

The Visitor Parking Spaces must be appropriately sign-posted and line marked in accordance with Council's Construction Specification C261.

[PCC0065]

16. 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 (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

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

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

18. 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]

19. The Construction Certificate Application shall include a certificate of adequacy of design in accordance with AS 4678 and Council's Development Design and Construction Specifications, 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.

Please note timber retaining walls are not permitted.

[PCC0475]

20. 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]

21. 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 Council's Development Design and Construction Specifications for the following (but not limited to) required works:

- Construction of a Tweed Shire Council compliant access off Cupania Court.

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

- Road works/furnishings
- Stormwater drainage

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

[PCC0895]

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

- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) It is encouraged that the stormwater and site works incorporate Water Sensitive Design Principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
  - (i) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any site works being undertaken.
  - (ii) Runoff from all hardstand areas, (including driveway and hardstand landscaping areas and excluding roof areas) must be treated to remove oils, sediments and gross pollutants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
  - (iii) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

23. Medium density/integrated developments, including developments containing four or more 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]

24. Prior to the issue of a Construction Certificate, applications 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 the following works (as applicable, but not limited to);
- a. water,
    - Provision of a Bulk meter. The meter is to be installed by Council at the Developer's expense,
  - b. sewerage, including;
    - Provision of a compliant house connection,
  - c. drainage works, including;
    - the connection of a private stormwater drain to a public stormwater drain,
    - the installation of stormwater quality control devices,
    - erosion and sediment control works.

[PCC1195]

25. 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]

26. Prior to the issue of a Construction Certificate, the Applicant must submit to (and receive approval from) the PCA, a detailed report from a suitably qualified Geotechnical/Structural Engineering confirming that the proposed development (including the protective wall along the northern property boundary):
- (a) will provide geotechnical stability to the proposed development,
  - (b) will prevent any upslope advancement of any down-slope (off-site) slip failures and detail amelioration measure should a down-slope failure occur (including access requirements),
  - (c) will not jeopardise the geotechnical stability or structural integrity of neighbouring property, including the existing Boulder Retaining Wall to the south,
  - (d) complies with applicable Australian Standards (AS 4678-2002) and the provisions of Council's Design Specification D6 - *Site Regrading*.

[PCCNS01]

27. A Habitat Restoration Plan is required to be prepared by a person qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation community (e.g. rainforest) for the area described as 'Environmental Covenant Area - A' on the approved plans. The restoration plan shall be submitted and approved by Council's General Manager or delegate prior to issue of any construction certificate and shall include:

- (a) An appraisal of the present condition of remnant vegetation;
  - (b) A plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate;
-

- (c) A management strategy for each of the zones, including the approach, methods and techniques to be used for vegetation restoration;
  - (d) Schedule of local native plant species to be used for planting (if appropriate);
  - (e) Program of works to be undertaken to remove invasive weed species;
  - (f) Schedule of timing of proposed works;
  - (g) Maintenance, monitoring and reporting schedule with developer commitment for a period not less than five (5) years and;
  - (h) An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the Council's General Manager or delegate for such change.
28. Prior to the issue of a Construction Certificate an ecological report, prepared by a suitably qualified person, is to be submitted for the written approval of Council's General manager or delegate demonstrating that development works proposed as part of this application, including soldier piling geotechnical works, will not impact on any vegetation (including root systems) on adjoining properties.
29. Prior to the issue of a Construction Certificate, amended plans are to be submitted to Council for the written approval of the General Manager or delegate demonstrating visual treatment to the exposed sealed blockwork proposed to the sites western elevation.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

30. 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 PCA 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]

31. 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]

32. 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]

33. 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]

34. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:

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

[PCW0245]

35. 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]

36. 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]

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

[PCW1170]

#### DURING CONSTRUCTION

38. All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, approved Construction Certificate, approved Bushfire Threat Assessment Report, drawings and specifications.

[DUR0005]

39. Construction 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]

40. 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]

41. 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]

42. 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]

43. 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]

44. 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]

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

[DUR0445]

46. 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]

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

[DUR0815]

48. 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]

49. 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]

50. 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]

51. 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 an Occupation Certificate.

[DUR0995]

52. 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]

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

[DUR1015]

54. Landscaping of the site shall be carried out in accordance with the approved Landscaping Plan.

[DUR1045]

55. All operations must comply with the fauna and flora protection measures as outlined in the section titled Vegetation Management Plan in *Attachment F - Vegetation Assessment dated 11 September prepared by Planit Consulting* and as amended by conditions of this consent. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Department of Environment and Climate Change. No further site clearing will take place until the Plan(s) of Management is/are approved.

[DUR1215]

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 any use or occupation of the buildings.

[DUR1875]

58. Where existing 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]

58. 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]

59. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains, unless approved otherwise by Council.

[DUR1945]

60. 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 to ensure no material is capable of being washed or blow from the site.

[DUR2185]

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

[DUR2205]

62. 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]

63. 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]

64. 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]

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

[DUR2505]

66. 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]

67. 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]

68. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

69. 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]

70. Works are to be undertaken in accordance with the recommendations of the endorsed Geotechnical Engineering's report.

[DURNS01]

71. The following activities are not permitted within the area described as 'Environmental Covenant Area - A' on the approved plan/s:

- (a) Storage and mixing of materials;
- (b) Vehicle parking;
- (c) Liquid disposal;
- (d) Machinery repairs and /or refuelling;
- (e) Construction of site office or shed;
- (f) Combustion of any material;
- (g) Stockpiling of soil, rubble or debris;
- (h) Any filling or excavation including trenching, topsoil skimming and/or surface excavation, unless otherwise approved by Council's General Manager or delegate; and
- (i) Unauthorised application of pesticides, herbicides or chemicals.

[DURNS02]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

72. 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]

73. 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]

74. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and

- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
- (i) the method of protection; and
  - (ii) the date of installation of the system; and
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

75. 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]

76. 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:
- |                                       |         |
|---------------------------------------|---------|
| 20.8 Trips @ \$2937 per Trips         | \$61090 |
| (\$2836 base rate + \$101 indexation) |         |
| S94 Plan No. 4                        |         |
| Sector4_4                             |         |
- (b) Open Space (Casual):
- |                                     |        |
|-------------------------------------|--------|
| 6 ET @ \$543 per ET                 | \$3258 |
| (\$502 base rate + \$41 indexation) |        |
| S94 Plan No. 5                      |        |
- (c) Open Space (Structured):
- |                                     |        |
|-------------------------------------|--------|
| 6 ET @ \$622 per ET                 | \$3732 |
| (\$575 base rate + \$47 indexation) |        |
| S94 Plan No. 5                      |        |

(d) Shirewide Library Facilities:	
6 ET @ \$838 per ET	\$5028
(\$792 base rate + \$46 indexation)	
S94 Plan No. 11	
(e) Bus Shelters:	
6 ET @ \$64 per ET	\$384
(\$60 base rate + \$4 indexation)	
S94 Plan No. 12	
(f) Eviron Cemetery:	
6 ET @ \$123 per ET	\$738
(\$101 base rate + \$22 indexation)	
S94 Plan No. 13	
(g) Community Facilities (Tweed Coast - North)	
6 ET @ \$1389 per ET	\$8334
(\$1305.6 base rate + \$83.4 indexation)	
S94 Plan No. 15	
(h) Extensions to Council Administration Offices & Technical Support Facilities	
6 ET @ \$1860.31 per ET	\$11161.86
(\$1759.9 base rate + \$100.41 indexation)	
S94 Plan No. 18	
(i) Cycleways:	
6 ET @ \$473 per ET	\$2838
(\$447 base rate + \$26 indexation)	
S94 Plan No. 22	
(j) Regional Open Space (Casual)	
6 ET @ \$1091 per ET	\$6546
(\$1031 base rate + \$60 indexation)	
S94 Plan No. 26	
(k) Regional Open Space (Structured):	
6 ET @ \$3830 per ET	\$22980
(\$3619 base rate + \$211 indexation)	
S94 Plan No. 26	

[POC0395]

77. 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.

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[POC0435]

78. 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 DSP3:	4.4 ET @ \$12575 per ET	\$55330
Sewer Banora:	6 ET @ \$6042 per ET	\$36252

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]

79. 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]

80. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of all retaining structures.

[POC0805]

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

[POC0860]

82. 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]

83. 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]

84. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm that a Transferring Grant has been completed to include Tweed Shire Council as the benefiting party to the existing *easement to drain sewage 2 wide and variable*, over the subject site, which currently only benefits Lot 5 & 6.

[POCNS01]

85. 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 Certificate.

[POCNS02]

86. Prior to the issue of an Occupation Certificate a certificate prepared by a qualified Geotechnical Engineer is to be provided to the PCA confirming that works have been undertaken in accordance with the recommendations of the endorsed Geotechnical Engineering's report and that the development is geotechnically stable and does not jeopardise the geotechnical stability or structural integrity of any neighbouring property.

[POCNS03]

87. Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to issue of the occupation certificate and shall be maintained at all times in accordance with the approved Plan.

88. The following restrictions as to use of the land under Section 88B of the *Conveyancing Act* are to be created to Council's satisfaction:

a. Restriction as to user regarding 'Environmental Covenant Area - A' - this area must be subject to an approved ecological restoration program (undertaken in accordance with an approved habitat restoration plan) and managed as a natural area for conservation purposes in perpetuity.

Burden: Part Lot 4 DP 801038. Benefit: Tweed Shire Council

b. Restriction as to user regarding 'Environmental Covenant Area - A'. The following activities are not permitted within this area.

- i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this approval;
- ii. Erection of any fixtures or improvements, including buildings or structures;
- iii. Construction of any trails or paths;
- iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
- v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Covenant Area; and
- vi. Performance of any other acts which may have detrimental impact on the values of the Covenant Area. The area must be managed in accordance with the approved habitat restoration plan for the life of the development and the use of the premises.

Burden: Part Lot 4 DP 801038 Benefit: Tweed Shire Council

89. A cash bond or bank guarantee to ensure that the approved Habitat Restoration Plan ('HRP') is implemented and completed must be lodged with Council prior to the issue of occupation certificate unless all ecological restoration works have been completed in accordance with the approved HRP to the satisfaction of Council's General Manager or delegate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works to be undertaken in accordance with the approved HRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of Council's General Manager or his delegate) must be submitted to Council which detail the cost of all works associated



with the HRP. The amount of the bond will be equivalent to 130% of the estimated cost of works

The bond or bank guarantee will be released five (5) years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the HRP has been satisfactorily completed, unless otherwise approved by Council's General Manager or delegate.

90. All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a final occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate.

[POCNS04]

## USE

91. 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]

92. All externally mounted air conditioning units, heat pump water systems 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, heat pump water systems 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]

93. 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]

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

[USE1510]

**833**

## AMENDMENT

**Cr K Milne**  
**Cr G Bagnall**

**PROPOSED** that this item be deferred for a Workshop to be scheduled.

The Amendment was **Lost**

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland**

The Motion was **Carried** (Minute Number 832 refers).

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland**

**AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall**

**A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS M ARMSTRONG, K MILNE AND G BAGNALL.**

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**31 [PR-CM] Development Application DA13/0174 for a Re-Subdivision of 34 Existing Lots into 62 Proposed Lots at Lots 341-349 DP 1162588 & Lots 368-375 DP 1162588 Seaside Drive; Lots 376-383 DP 1162588 & Lots 395-403 DP 1162588 Nautilus Way, Kingscliff**

**834**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Development Application DA13/0174 for a re-subdivision of 34 existing lots into 62 proposed lots at Lots 341-349 DP 1162588 & Lots 368-375 DP 1162588 Seaside Drive; Lots 376-383 DP 1162588 & Lots 395-403 DP 1162588 Nautilus Way, Kingscliff be approved subject to the following conditions:

**GENERAL**

1. This consent authorises a staged subdivision comprising four stages as follows:
  - \* Stage 1 - 8 existing lots into 14 new allotments;
  - \* Stage 2 - 8 existing lots into 14 new allotments;
  - \* Stage 3 - 9 existing lots into 16 new allotments;
  - \* Stage 4 - 9 additional lots into 18 new allotments.

The staged development as outlined above shall be completed in accordance with the Statement of Environmental Effects except where amended by the applicants additional information dated 18 October 2013 and Plan Nos:

- Seaside City Subdivision Plan - Part 01 (Stage 1 and Stage 2); and
- Seaside City Subdivision Plan - Part 02 (Stage 3 and Stage 4)

Prepared by Planit Consulting and dated November 2012.

[GEN0005]

2. Subject to Condition No. 7, 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. Sewer manholes are present on this site. The manholes are not to be covered with soil or other material.

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

[GEN0155]

5. All streets must comply with Council's Subdivision Design Specification D1 as Access Streets.

[GENNS01]

6. The installation of all embellishments (public amenities, seating, playground equipment and the like) are to be completed in Park 2 (Northern Park) to the satisfaction of Council once an Occupation Certificate is issued for 13 dwellings.

7. The proponent must provide an appropriate level area for the play equipment within Park 2 (Northern Park) with a minimum fall of 1:100.

8. The developer must provide an appropriate bank guarantee or cash contribution equivalent to the value of items (playground equipment and the like) that are not being initially installed in Park 2 (Northern Park), once an Occupation Certificate is issued for 13 dwellings, as detailed within Condition No. 70.

9. The proponent is advised that the use of *Melaleuca quinquernervia* as a street tree is not acceptable and shall be substituted with an appropriate species to the satisfaction of the General Manager or delegate officer. It is acceptable as an open space tree.

10. [GENNS02]

10. The works required in DA05/1464.15, condition 1.8(A)j and condition 3.22A are to be completed to the satisfaction of the General Manager and his delegate prior to the issue of a subdivision certificate.

[GENNS03]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

[PCC0055]

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

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

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

[PCC0275]

13. 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]

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

[PCC0865]

15. 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 copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
  - earthworks
  - roadworks/furnishings
  - stormwater drainage
  - water supply works
  - sewerage works
  - landscaping works
  - sedimentation and erosion management plans
  - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*

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

[PCC0985]

16. 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]

17. 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 6m 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]

18. 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".

- (c) All exposed areas are to be sprayed with a dust suppression material such as "Hydromulch" "Dustex" or equivalent immediately once work activities have been completed. All haul roads shall be regularly watered.
- (d) All dust generating activities are to cease when the average wind speed exceeds (35 km/h). The applicant shall be responsible for providing calibrated wind meter on site monitoring speeds. This data must be produced to Council on request.
- (e) Sediment fence wind barriers shall be provided every 30m intervals for the entire work site.
- (f) Provide a 1.8m high Hessian fence or similar around the perimeter of the site.

[PCC1155]

19. A dilapidation report detailing the current condition of the adjacent buildings and infrastructure is to be prepared and endorsed by a qualified structural engineer. The report is to be submitted to the Principle Certifying Authority prior to the issue of the Construction Certificate.

A second dilapidation report is to be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first report and recommend a course of action to carry out repairs if required. The report is to be submitted to Council.

[PCCNS01]

20. A detailed plan of landscaping for all proposed street tree planting is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. The plan of landscaping shall be in accordance with Tweed Shire Council Standard Drawing S.D.701 (Sep 13 Rev D) 'Tree & Shrub Planting' and contain no noxious or environmental weed species. The plan of landscaping will include a minimum of 80% of total plant numbers comprised of local native species. Further, due to the coastal location trees that have a maximum final height of 10m only are to be selected. The landscaping is to be carried out in accordance with the approved details.

21. A detailed plan of landscaping for all other soft landscape works within parks and other landscaped areas, separate to the proposed street tree planting, is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. The plan of landscaping shall contain no noxious or environmental weed species and with a minimum of 80% of total plant numbers comprised of local native species. The landscaping is to be carried out in accordance with the approved details.

[PCCNS01]

2. Prior to the issue of the Construction Certificate for DA13/0174, the applicant is required to submit a landscape plan to Council detailing the proposed embellishments to be constructed/installed within Park 2 (Northern Park) for approval. Any items not being installed from the previously approved Edaw Landscape Plans must be itemised with a value added to determine an appropriate bond value. The landscape plan will include (but not be limited to) details of public amenities to be constructed (toilet facilities, bbq structures, seating, lighting) to ensure appropriate planning of electrical conduits, power supply and other infrastructure. The embellishments within Park 2 will

be carried out in accordance with the approved details to the satisfaction of the General Manager or delegate officer.

[PCCNS01]

23. Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted and approved by Council. The Plan shall address, but not be limited to, the following matters:
- a) Hours or work.
  - b) Contact details of site manager.
  - c) Noise and vibration management plan - The vibration management plan is to identify what monitoring measures will be implemented to record vibration impacts to neighbouring properties. A plan shall be provided indicating the location of the vibration devices. The results of the monitoring are to be made to Council upon request.
  - d) Traffic and pedestrian management.
  - e) Erosion and sediment control.
  - f) Construction waste management.

Where the construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work.

[PCCNS02]

24. 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]

25. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3<sup>rd</sup> Edition, NSW Government, or
  - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
  - (c) WorkCover Regulations 2000

[PCW0025]

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

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

[PCW0375]

27. Civil work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
    - (i) the consent authority, or
    - (ii) an accredited certifier, and
  - (b) the person having the benefit of the development consent:
    - (i) has appointed a principal certifying authority,
    - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
      - C4: Accredited Certifier - Stormwater management facilities construction compliance
      - C6: Accredited Certifier - Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and

    - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
    - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
  - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

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

[PCW0815]

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

[PCW0835]

29. 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.

[PCW0985]



30. 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]
31. 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]
32. 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]
33. 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 2 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]
34. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
35. 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]
36. 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]
37. 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]

38. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
  - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
  - (c) That site fill areas have been compacted to the specified standard.
  - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

39. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
  - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

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

[DUR1835]

41. 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]

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

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade

- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station and Lift Stations Upgrade

- (a) Hydraulics
- (b) Mechanical/electrical
- (c) Commissioning - on maintenance
- (d) Off maintenance

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- (a) Earthworks and filter media
- (b) Structural components
- (c) Operational establishment
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) Off maintenance

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

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

The fee for the abovementioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

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

[DUR2015]

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

[DUR2355]

45. 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]

46. All disturbed areas are to be sprayed with a dust suppression material such as "Hydromulch" "Dustex" or equivalent immediately once work activities have been completed. A minimum of 80% grass strike is required for all disturbed areas.

[DURNS01]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

48. 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.

As this lot has not previously been connected to Council's Water Supply and Sewerage Schemes, the following capital contributions in addition to any physical works required to connect the development are required under Section 306 of the Water Management Act and must be paid prior to the release of the subdivision certificate.

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

##### Stage 1

South Kingscliff Water Levy:	14 ET @ 292 per ET	\$4,088
Water Capital Contribution:	14 ET @ \$12575 per ET	\$176,050
Sewer Capital Contribution:	14 ET @ \$6042 per ET:	\$84,588

##### Stage 2

South Kingscliff Water Levy:	14 ET @ 292 per ET	\$4,088
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Water Capital Contribution:	14 ET @ \$12575 per ET	\$176,050
Sewer Capital Contribution:	14 ET @ \$6042 per ET:	\$84,588

Stage 3

South Kingscliff Water Levy:	16 ET @ 292 per ET	\$4,672
Water Capital Contribution:	16 ET @ \$12575 per ET	\$201,200
Sewer Capital Contribution:	16 ET @ \$6042 per ET:	\$96,672

Stage 4

South Kingscliff Water Levy:	18 ET @ 292 per ET	\$5,256
Water Capital Contribution:	18 ET @ \$12575 per ET	\$226,350
Sewer Capital Contribution:	18 ET @ \$6042 per ET:	\$108,756

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

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

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

[PSC0165]

49. Section 94 Contributions

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

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

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

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

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

Stage 1

(a) Tweed Road Contribution Plan:		
39 Trips @ \$1186 per Trips		\$46,254
(\$1145 base rate + \$41 indexation)		
S94 Plan No. 4		
Sector7_4		

- (b) Shirewide Library Facilities:  
6 ET @ \$838 per ET \$5,028  
(\$792 base rate + \$46 indexation)  
S94 Plan No. 11
- (c) Bus Shelters:  
6 ET @ \$64 per ET \$384  
(\$60 base rate + \$4 indexation)  
S94 Plan No. 12
- (d) Eviron Cemetery:  
6 ET @ \$123 per ET \$738  
(\$101 base rate + \$22 indexation)  
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)  
6 ET @ \$1389 per ET \$8,334  
(\$1305.6 base rate + \$83.4 indexation)  
S94 Plan No. 15
- (f) Extensions to Council Administration Offices  
& Technical Support Facilities  
6 ET @ \$1860.31 per ET \$11,161.86  
(\$1759.9 base rate + \$100.41 indexation)  
S94 Plan No. 18
- (g) Cycleways:  
Plan No. 22 states \$47 per m<sup>2</sup> for 715m<sup>2</sup> of cycleway.  
This equates to \$84, 012 credit  
Minus \$2,682 (DA08/0755) = \$81, 330 credit for works in kind.  
Minus \$447 (DA09/0816) = \$80, 883 credit for works in kind.  
Minus \$447 (DA09/0822) = \$80,386  
Minus \$3,129 (DA10/0283) = \$77,257  
Minus \$8,940 (DA12/0393) = \$68,317  
Minus \$12,516 (DA13/0174 all stages) = \$55,801  
Leaves a credit of \$55,801  
Therefore NIL charge  
(\$447 base rate + \$0 indexation)  
S94 Plan No. 22

- 
- (h) Seaside City Structured Open Space:  
 6 ET @ \$3585 per ET \$21,510  
 (\$3585 base rate + \$0 indexation)  
 S94 Plan No. 28

Stage 2

- (a) Tweed Road Contribution Plan:  
 39 Trips @ \$1186 per Trips \$46,254  
 (\$1145 base rate + \$41 indexation)  
 S94 Plan No. 4  
 Sector7\_4
- (b) Shirewide Library Facilities:  
 6 ET @ \$838 per ET \$5,028  
 (\$792 base rate + \$46 indexation)  
 S94 Plan No. 11
- (c) Bus Shelters:  
 6 ET @ \$64 per ET \$384  
 (\$60 base rate + \$4 indexation)  
 S94 Plan No. 12
- (d) Eviron Cemetery:  
 6 ET @ \$123 per ET \$738  
 (\$101 base rate + \$22 indexation)  
 S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)  
 6 ET @ \$1389 per ET \$8,334  
 (\$1305.6 base rate + \$83.4 indexation)  
 S94 Plan No. 15
- (f) Extensions to Council Administration Offices  
 & Technical Support Facilities  
 6 ET @ \$1860.31 per ET \$11,161.86  
 (\$1759.9 base rate + \$100.41 indexation)  
 S94 Plan No. 18

(g) Cycleways:

Plan No. 22 states \$47 per m<sup>2</sup> for 715m<sup>2</sup> of cycleway.

This equates to \$84, 012 credit

Minus \$2,682 (DA08/0755) = \$81, 330 credit for works in kind.

Minus \$447 (DA09/0816) = \$80, 883 credit for works in kind.

Minus \$447 (DA09/0822) = \$80,386

Minus \$3,129 (DA10/0283) = \$77,257

Minus \$8,940 (DA12/0393) = \$68,317

Minus \$12,516 (DA13/0174 all stages) = \$55,801

Leaves a credit of \$55,801

Therefore NIL charge

(\$447 base rate + \$0 indexation)

S94 Plan No. 22

(h) Seaside City Structured Open Space:

6 ET @ \$3585 per ET \$21,510

(\$3585 base rate + \$0 indexation)

S94 Plan No. 28

Stage 3

(a) Tweed Road Contribution Plan:

45.5 Trips @ \$1186 per Trips \$53,963

(\$1145 base rate + \$41 indexation)

S94 Plan No. 4

Sector7\_4

(b) Shirewide Library Facilities:

7 ET @ \$838 per ET \$5,866

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

(c) Bus Shelters:

7 ET @ \$64 per ET \$448

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

(d) Eviron Cemetery:

7 ET @ \$123 per ET \$861

(\$101 base rate + \$22 indexation)

S94 Plan No. 13



- 
- (e) Community Facilities (Tweed Coast - North)  
 7 ET @ \$1389 per ET \$9,723  
 (\$1305.6 base rate + \$83.4 indexation)  
 S94 Plan No. 15
- (f) Extensions to Council Administration Offices  
 & Technical Support Facilities  
 7 ET @ \$1860.31 per ET \$13,022.17  
 (\$1759.9 base rate + \$100.41 indexation)  
 S94 Plan No. 18
- (g) Cycleways:  
 Plan No. 22 states \$47 per m<sup>2</sup> for 715m<sup>2</sup> of cycleway.  
 This equates to \$84, 012 credit  
 Minus \$2,682 (DA08/0755) = \$81, 330 credit for works in kind.  
 Minus \$447 (DA09/0816) = \$80, 883 credit for works in kind.  
 Minus \$447 (DA09/0822) = \$80,386  
 Minus \$3,129 (DA10/0283) = \$77,257  
 Minus \$8,940 (DA12/0393) = \$68,317  
 Minus \$12,516 (DA13/0174 all stages) = \$55,801  
 Leaves a credit of \$55,801  
Therefore NIL charge  
 (\$447 base rate + \$0 indexation)  
 S94 Plan No. 22
- (h) Seaside City Structured Open Space:  
 7 ET @ \$3585 per ET \$25,095  
 (\$3585 base rate + \$0 indexation)  
 S94 Plan No. 28
- Stage 4
- (a) Tweed Road Contribution Plan:  
 58.5 Trips @ \$1186 per Trips \$69,381  
 (\$1145 base rate + \$41 indexation)  
 S94 Plan No. 4  
 Sector7\_4
- (b) Shirewide Library Facilities:  
 9 ET @ \$838 per ET \$7,542  
 (\$792 base rate + \$46 indexation)  
 S94 Plan No. 11
-

- (c) Bus Shelters:  
9 ET @ \$64 per ET \$576  
(\$60 base rate + \$4 indexation)  
S94 Plan No. 12
- (d) Eviron Cemetery:  
9 ET @ \$123 per ET \$1,107  
(\$101 base rate + \$22 indexation)  
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)  
9 ET @ \$1389 per ET \$12,501  
(\$1305.6 base rate + \$83.4 indexation)  
S94 Plan No. 15
- (f) Extensions to Council Administration Offices  
& Technical Support Facilities  
9 ET @ \$1860.31 per ET \$16,742.79  
(\$1759.9 base rate + \$100.41 indexation)  
S94 Plan No. 18
- (g) Cycleways:  
Plan No. 22 states \$47 per m<sup>2</sup> for 715m<sup>2</sup> of cycleway.  
This equates to \$84, 012 credit  
Minus \$2,682 (DA08/0755) = \$81, 330 credit for works in kind.  
Minus \$447 (DA09/0816) = \$80, 883 credit for works in kind.  
Minus \$447 (DA09/0822) = \$80,386  
Minus \$3,129 (DA10/0283) = \$77,257  
Minus \$8,940 (DA12/0393) = \$68,317  
Minus \$12,516 (DA13/0174 all stages) = \$55,801  
Leaves a credit of \$55,801  
Therefore NIL charge  
(\$447 base rate + \$0 indexation)  
S94 Plan No. 22
- (h) Seaside City Structured Open Space:  
9 ET @ \$3585 per ET \$32,265  
(\$3585 base rate + \$0 indexation)  
S94 Plan No. 28

[PSC0175]

50. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.6

[PSC0185]

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

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

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

[PSC0725]

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

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

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

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

[PSC0735]

54. 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]

55. Prior to the issue of the Subdivision Certificate, if there are any Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997.

[PSC0830]

56. 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) Identify all allotments to be created as dual occupancies.
- (c) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- (d) Extinguishment of superfluous Right Of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public, but are now no longer required.
- (e) A Restriction As To User requiring that all roofwater from houses, buildings or structures shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principle Certifying Authority.

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]

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

[PSC0855]

58. 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]

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

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

Note:

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

- Subdivisions Manual and Councils Development Design and Construction Specifications.

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

[PSC0915]

60. The six months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

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

[PSC0945]

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

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

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

[PSC1065]

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

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

[PSC1075]

64. 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]

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

[PSC1165]

66. Electricity

- (a) 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; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

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

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

[PSC1185]

67. A Subdivision Certificate shall not be issued until all works pursuant to DA05/1464.15 have been completed to the satisfaction of the General Manager or delegate officer.

[PSCNS01]

68. Prior to the issue of the Subdivision Certificate for Stages 1 - 4, Park 2 (Northern Park) is to be completed to the satisfaction of the General Manager or delegate officer.

[PSCNS01]

69. Prior to the issue of the Subdivision Certificate for Stages 1 - 4, the viewing platform located on Lot 1971 DP 133919 (as approved under DA11/0026) shall be constructed in accordance with the approved details to the satisfaction of the General Manager or delegate officer.

[PSCNS01]

70. Prior to the issue of the Subdivision Certificate for Stages 1 - 4, details of the value of all items not to be initially installed in Park 2 (the Northern Park) shall be provided to Council. Further, a bond at a rate of 135% of the value of such items will be provided to Council.

[PSCNS02]

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall, Cr B Longland**  
**AGAINST VOTE - Cr K Milne**

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- 32      **[PR-CM] Development Application DA13/0385 for a Three Lot Subdivision and Single Dwelling with Attached Secondary Dwelling at Lot 63 DP 804148 No. 3-6 Trutes Terrace, Terranora**

835

**Cr B Longland**  
**Cr P Youngblutt**

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**PROPOSED** that Development Application DA13/0385 for a three lot subdivision and single dwelling with attached secondary dwelling at Lot 63 DP 804148 No. 3-6 Trutes Terrace, Terranora be refused for the following reasons:

1. The proposed subdivision is not considered to comply with the Environmental Planning and Assessment Act 1979 as it fails to secure the orderly development of land. Furthermore, the proposal is not consistent with the provisions of the Tweed Local Environmental Plan 2000 and in particular Clause 4(a), Clause 8(1)(a), (b) and (c)] and Clause 11, as the subdivision is premature having regard to the broader release area in which it is located and represents an under utilisation of urban land within an approved urban land release area.
2. The proposed subdivision is not consistent with the provisions of Tweed Development Control Plan Part A5 and in particular Section A5.4.13 Infrastructure, as the sites cannot be adequately serviced with reticulated sewer.
3. The proposed subdivision does not satisfy the objectives or density yield provisions in accordance with Tweed Development Control Plan Section B 24 Draft Area E Urban Release Development Code.
4. The application has not been supported with an appropriate funding mechanism to establish an infrastructure regime to cater for the required on site services within the 'Area E' urban land release area. The "Area E Urban Land Release Area" does not have an applicable S94 Contribution Plan and the applicant has not established a suitable funding mechanism to reflect the urban land release area requirements as other development in the release area have had to do.
5. The proposal is premature and would undermine the whole release area. If approved the application would have a negative cumulative impact on the remainder of the release area and potentially set an undesirable precedent.
6. The proposal is not in the public interest as the development would have negative flow on affects for the remainder of the release area.

**836**

**AMENDMENT**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that this item be deferred to a future Council meeting and to provide advice about alternative effluent disposal.

The Amendment was **Carried**

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

**AGAINST VOTE - Cr W Polglase, Cr C Byrne**

The Amendment on becoming the Motion was **Carried** - (Minute No 836 refers)

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

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**AGAINST VOTE - Cr W Polglase, Cr C Byrne**

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**33 [PR-CM] Development Application DA13/0024 for a 44 Lot Subdivision, Construction of Internal Road and Associated Infrastructure at Lot 1 DP 407094 Cudgen Road, Cudgen and Lot 1 DP 598073 No. 17 Collier Street, Cudgen**

**Cr C Byrne** wishes to declare a *Significant Non Pecuniary* Interest in Item 33 of the Agenda. The nature of the interest is that Cr Byrne has a friendship with the applicants. Cr C Byrne will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

**837**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Development Application DA13/0024 for a 40 lot subdivision, construction of internal road and associated infrastructure at Lot 1 DP 407094 Cudgen Road, Cudgen and Lot 1 DP 598073 No. 17 Collier Street, Cudgen be approved subject to the following conditions:

**"DEFERRED COMMENCEMENT"**

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

**Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.**

1. The applicant is to provide an acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the General Manager or delegate. The acoustic report shall include but not be limited to:
  - (i) A review of the Statement of Environmental Effects for NSW Planning Major Project MP05\_0103, conditions of the approval and the requirements of the NSW Industrial Noise Policy.
  - (ii) Informed comment, based on sound modelling, as to the noise impact of the defined PSNL nominated, on the basis of the methodology carried out, at each proposed residential lots, internal and external to any standard constructed dwelling.

- (iii) Identification of each of the instances where the modelling predicts exceedance of determined background levels across each of the day, evening and night periods .
  - (iv) Identification of where exceedance are greater than 5 dB(a) above background and recommend reasonable measures that may be carried out to reduce noise impact. If the acoustic report demonstrates reasonable mitigation measures, where required, cannot be implemented and exceedance are not acceptable the application in its current form is unable to proceed.
2. A Contaminated Land Investigation Report shall be prepared, by a suitably qualified and experienced person, and submitted to the General Manager or delegate for approval. The report shall assess previous banana growing and potential termite treatment, and be prepared in accordance with relevant documents made or approved by the NSW Environment Protection Authority in accordance with the Contaminated Land Management Act 1997. Where required, a Remediation Action Plan (RAP) shall be prepared and submitted. The report shall demonstrate that the site is suitable, or is able to be made suitable following remedial works, for the proposed land use.

#### SCHEDULE B

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

#### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 1 revision O prepared by Bennett + Bennett Surveyors and Planners and dated 13/09/2013 and Project Number WLN01 prepared by Place Planning Design Group Pty Ltd dated 16/08/2013 and the Farm Management Practices prepared by Kevin Wilson's Real Estate dated 7 August 2013 except where varied by the conditions of this consent. [GEN0005]
2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application. [GEN0045]
3. 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]
4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]
5. 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 these changes are to be shown on the application for a Construction Certificate. [GEN0155]
6. The area described as 'Proposed Environment Covenant B - 424m<sup>2</sup>' shown on Plan No 1 Rev. O Proposed Subdivision dated 13 September 2013 prepared by Bennett & Bennett must be the subject to an ecological restoration program (undertaken in

accordance with an approved habitat restoration plan) and managed as a natural area for conservation purposes in perpetuity.

[GENNS01]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Prior to the issue of a Civil Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Principle Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
- a) Hours of work;
  - b) Contact details of site manager;
  - c) Traffic and pedestrian management;
  - d) Noise and vibration management;
  - e) Construction waste management;
  - f) Erosion and sediment control; and,
  - g) Flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Principle Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

[PCC0125]

8. The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the proposed development, prepared in accordance with Section D7.07 of Council's Development Design Specification D7 - Stormwater Quality. The plans are to include measures, monitoring and adaptive management actions to ensure appropriate stormwater quality outcomes are achieved.

Permanent stormwater quality treatment shall comply with the Tweed Urban Stormwater Quality Management Plan and Council's Development Design Specification D7 - Stormwater Quality. Variations to these standards shall only be accepted where they are supported by best practice water sensitive urban design principles entailed in the "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership).

Treatment basins must be provided with a facility to bypass major stormwater flow events (greater than the Q3 month storm event), or otherwise cater for major storm flows without disturbing captured pollutants or damaging the structure.

Proposed treatment measures other than "deemed to comply" measures as specified in Council's Development Design Specification D7, must be supported by engineering calculations, including MUSIC modelling, to confirm that acceptable capacity and efficiency is achieved.

An Operational Manual for all stormwater quality control devices must be provided as part of the SWMP. This manual must be updated as required during the Defects Liability ("On-Maintenance") Period for the device and the final version of the manual must be handed over to Council at the formal commissioning of the device, at the completion of the Defects Liability Period ("Off Maintenance").

[PCC0165]

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

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

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

[PCC0275]

10. 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]

11. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>0</sup> or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

12. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. 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 the application for a Construction Certificate.

[PCC0485]

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 filing on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

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

[PCC0865]

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

- (a) Construction of an urban bitumen sealed road formation 7.5m between kerbs.
- (b) Collier Street is to be reconstructed from the property boundary of Lot 71 DP 755701 into the subdivision as per drawing no. K2027 issue A titled 'Preliminary Roadworks Plan' prepared by Knobel Consulting dated 3 June 2013. The developer is to liaise with Council when the subdivision road works are expected to commence to allow for Council to program the Collier Street upgrade in conjunction with the developer.
- (c) A reinforced concrete footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire road frontage of the site and Collier Street up to the property boundary of Lot 71 DP 755701 in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.
- (d) Traffic control devices are to be shown on the application for a Construction Certificate. A stop sign and associated line marking is to be placed at the intersection of Road 1 & 2 (northern intersection). A give way sign and associated line marking is required at the intersection of Road 2 and Crescent Street.
- (e) The application for a Construction Certificate is to demonstrate that a gravity sewer connection for proposed consolidated Lots 38 and 39 is able to adequately service a future dwelling.
- (f) The proposed piped drainage system is to be redesigned to mainly be located within the road reserve and not under the road pavement.
- (g) The detailed design of the 2 inlet pits located prior to the Gross Pollutant Trap must demonstrate that they are capable of capturing  $Q_{100}$  flows from the major street system and directing it to the proposed detention basin.

[PCC0875]

16. 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 copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:
  - earthworks
  - roadworks/furnishings
  - stormwater drainage

- water supply works
- sewerage works
- retaining walls
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*

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

[PCC0985]

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:
  - (e) 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 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]

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. Prior to issue of the construction certificate the applicant is to submit a landscape plan for the vegetated buffer on Lot 38, prepared by a suitably qualified landscape architect. The vegetated buffer is to contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of four to five metres. The vegetated buffer is to include species that have long, thin and rough foliage that facilitate the more efficient capture of spray droplets. The vegetated buffer is to include at least 80% local native species. The landscape plan is to be to the satisfaction of the General Manager or his delegate.
21. Prior to the issuing of a Construction Certificate, a construction noise assessment is to be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009), to the satisfaction of the General Manager or his delegate. The construction noise assessment is to be prepared by a suitably qualified person.
22. Prior to the issuing of a Construction Certificate, a dust management plan is to be prepared to the satisfaction of the General Manager or his delegate. The dust management plan is to be prepared by a suitably qualified person.
23. Prior to the issuing of a Construction Certificate, a demolition plan is to be prepared to the satisfaction of the General Manager or his delegate. The demolition plan shall reference Australian Standard AS 2601 *The Demolition of Structures*, and the requirements of NSW WorkCover and the *Work Health and Safety Regulation 2011*. The demolition plan is to be prepared by a suitably qualified person.
- [PCCNS02]
24. A landscape plan must be submitted that addresses the nature strip of all roads to be dedicated to Council. Such a plan should show only suitable street trees and turf, and must be approved by the Manager, Recreation Services, Tweed Shire Council. The landscape and civil drawings must be consistent in the space allowed for planting trees between the kerb and footpath, and must be consistent with TSC standard drawing SD-701. The street tree locations are also to be consistent with the Development Design Specification D14 and be planted no less than 7.5m from streetlights. The street tree species to be used is to be negotiated with Council, and it is preferable they be native to the local area.
- [PCCNS03]
25. A Habitat Restoration Plan ('HRP') must be submitted for the following 'ecological restoration areas' as shown on Plan No 1 Rev. O Proposed Subdivision dated 13 September 2013 prepared by Bennett & Bennett:
- a. Proposed Environment Covenant B - 424m<sup>2</sup>;
  - b. Remaining contiguous tract of significant vegetation occurring within the Crescent Street road reserve (western side) for a length of approximately 73 metres immediately to the rear of Lots 33 and 34; and

- c. An approximate five (5) metre wide buffer around the entire perimeter of the 'Water Catchment Lake' unless where restricted by the proposed northern access road.

The HRP shall be prepared by a suitably qualified professional in accordance with Council's Draft Habitat Restoration Plan Preparation Guideline dated February 2012 (attached) for the identified 'ecological restoration areas' to include the following information (but may not be limited to):

- a. An appraisal of the present condition of remnant vegetation;
- b. A plan overlaying an aerial photograph of the site which divides the area into management zones where appropriate;
- c. A management strategy for each of the zones, including the adoption of an 'Assisted Natural Regeneration' approach;
- d. A schedule of local native plant species to be used for planting (if required under offsetting arrangements pursuant to Condition 28);
- e. A program of works to be undertaken to remove invasive weed species (noxious and environmental weeds);
- f. A schedule of timing of proposed works that reflects both the short term (developer's responsibility) and long term (future landholder's responsibility) establishment and management of the identified ecological restoration areas;
- g. A schedule of activities not permitted within the Proposed Environment Covenant B pursuant to Condition 77;
- h. Requirement for 132C Licence under the National Parks and Wildlife Act
- i. Coordination of services such as irrigation repair or civil infrastructure maintenance (such as stormwater) that may impact on the landscape establishment and maintenance periods;
- j. Management of domestic farm/feral animals (if appropriate) and any fencing/signage requirements to restrict access and increase landholder/public awareness;
- k. Nomination of key performance indicators/criteria for monitoring purposes;
- l. A maintenance, monitoring and reporting schedule with developer commitment for a period not less than two (2) years; and
- m. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the General Manager or delegate for such changes.

To be clear the developer is responsible for a two (2) year establishment phase for all identified 'ecological restoration areas'. Following successful completion of works within this period the existing/future landowner/s of Lot 33 shall be responsible for the long term management of the 'Environment Covenant' in perpetuity. This management arrangement shall be reflected in the HRP.

The HRP must be approved by the General Manager or delegate prior to issue of the first of any construction certificate.

In this regard the establishment phase works proposed in the HRP must be completed prior to issue of the first subdivision certificate with a progress report prepared by a suitably qualified and experienced Bush Regenerator, submitted one year after



commencement of the establishment phase works with a final report demonstrating compliance with the HRP prior to issue of the subdivision certificate.

[PCCNS04]

26. To evaluate and quantify the extent of vegetation removal necessary to facilitate installation of any external stormwater infrastructure within the Crescent Street road reserve the applicant shall provide a detailed survey plan with particulars of all native woody vegetation greater than 30cm circumference at 45cm above ground, or greater than three (3) metres or more in height occurring within and immediately adjacent to the construction footprint. The tree survey shall be overlaid on Dwg. No. P019 Issue A Outlet Arrangement Plan dated 13 September 2013 prepared by Knobel Consulting P/L or similar plans as amended in accordance with conditions of this consent. The survey information and any associated best practice vegetation management measures as required by Council shall be submitted as an addendum to the Flora and Fauna Management Plan Lot 1 DP407094 & Part Lot 1 DP598073 Version 2 dated June 2013 prepared by Habitat Environment Management Trading P/L.

The loss of any surveyed native vegetation shall be offset at a ratio of 2:1 (Replace : Loss) using suitable tube-stock species to be installed with an area additional to and adjoining the 'Water Catchment Lake' ecological restoration area. Offsetting arrangements shall be agreed upon prior to issue of the first of any construction certificate and details subsequently reflected in the 'Habitat Restoration Plan' prior to approval.

27. Conditions and recommendations imposed by the Remedial Action Plan (RAP) required by Schedule "A" of this consent shall be implemented prior to the issue of a construction certificate.
28. Proposed Lots 38 and 39 are to be consolidated into a single allotment to ensure the fragmentation of agricultural land does not occur. All other conditions relating to Lots 38 and 39 are to be implemented on a single allotment.

[PCCNS05]

#### PRIOR TO COMMENCEMENT OF WORK

29. 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]

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

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

[PCW0025]

31. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of

material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

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

[PCW0375]

32. Civil work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
    - (i) the consent authority, or
    - (ii) an accredited certifier, and
  - (b) the person having the benefit of the development consent:
    - (i) has appointed a principal certifying authority,
    - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
      - C4: Accredited Certifier - Stormwater management facilities construction compliance
      - C6: Accredited Certifier - Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and

    - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
    - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
  - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

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

[PCW0815]

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

[PCW0835]

34. 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 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.

[PCW0985]

#### DURING CONSTRUCTION

35. 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]

36. 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]

37. 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]

38. 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.

In addition geotechnical certification is to be provided certifying that unsuitable material has been removed from the southern area of the existing dam and replaced with material adequate for the support and stability of the proposed road and embankment.

[DUR0795]

39. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
40. 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]
41. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0995]
42. 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]
43. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
  - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
  - (c) That site fill areas have been compacted to the specified standard.
  - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996. [DUR1805]
44. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
  - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement. [DUR1825]
45. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate. [DUR1875]
46. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council

Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- (a) Earthworks and filter media
- (b) Structural components
- (c) Operational establishment
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) Off maintenance

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

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

The fee for the abovementioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

47. 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 Subdivision Certificate.

[DUR1955]

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

[DUR2015]

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

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

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

[DUR2035]

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

[DUR2285]

51. Drainage Reserve

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

[DUR2295]

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

[DUR2355]

53. 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]

54. 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]

55. Dust and Erosion Management

- (a) Site earthworks are to be limited to a 5ha maximum at any time to reduce exposed areas. Completed areas are to be topsoiled and seeded immediately to protect them from water and wind erosion.
- (b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.
- (c) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

56. The disturbance of rock boulders rolling down the steep sloping terrain during construction is to be mitigated by the inclusion of temporary fencing or earth bunds for ensure site safety and to ensure neighbouring properties are not affected.

[DURNS01]

57. Any disturbance of soil below 5 m AHD is to be carried out in accordance with the Acid Sulfate Soils Management Plan prepared by Geotech Investigations Pty Ltd and dated 21 March 2013, except where as varied by this consent.

58. The implementation of the Acid Sulfate Soils Management Plan is to be the responsibility of the Site Manager.

59. Where a RAP is required in accordance with Schedule A of this consent, all works are to be carried out in accordance with the RAP, to the satisfaction of the General Manager or his delegate.

60. During construction, all works are to be carried out in accordance the Council approved construction noise assessment, including recommendations of the construction noise assessment.

61. During construction, all works are to be carried out in accordance the Council approved dust management plan.

62. All demolition works are to be carried out in accordance with the Council approved demolition plan.

[DURNS02]

63. 60 days prior to lodgment of Application for Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Sports Fields, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land, as detailed in the Local Government Act 1993.

[DURNS03]

64. All operations must comply with the fauna and flora management measures as outlined in the Flora and Fauna Management Plan Lot 1 DP407094 & Part Lot 1 DP598073 Version 2 dated June 2013 prepared by Habitat Environment Management Trading P/L unless otherwise amended and approved by Council's General Manager or modified as a result of conditions of this approval. In the event that any threatened

species, populations, ecological communities or their habitats not addressed in the report are discovered during operations, appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate. No further operational works will take place until the Plan(s) of Management is/are approved.

[DURNS04]

## USE

65. The development shall be carried out in accordance with the provisions of the acoustic report as per Schedule A of this consent, to the satisfaction of the General Manager or his delegate.

[USENS01]

## PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP5:	35 ET @ \$12575 per ET	\$440125
Sewer Kingscliff:	35 ET @ \$6042 per ET	\$211470

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]

68. Section 94 Contributions

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

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



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

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

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

- |  |          |
|--|----------|
| (a) Tweed Road Contribution Plan:              |          |
| 227.5 Trips @ \$1176 per Trips                 | \$267540 |
| (\$1137 base rate + \$39 indexation)           |          |
| S94 Plan No. 4                                 |          |
| Sector6_4                                      |          |
| (b) Open Space (Casual):                       |          |
| 35 ET @ \$543 per ET                           | \$19005  |
| (\$502 base rate + \$41 indexation)            |          |
| S94 Plan No. 5                                 |          |
| (c) Open Space (Structured):                   |          |
| 35 ET @ \$622 per ET                           | \$21770  |
| (\$575 base rate + \$47 indexation)            |          |
| S94 Plan No. 5                                 |          |
| (d) Shirewide Library Facilities:              |          |
| 35 ET @ \$838 per ET                           | \$29330  |
| (\$792 base rate + \$46 indexation)            |          |
| S94 Plan No. 11                                |          |
| (e) Bus Shelters:                              |          |
| 35 ET @ \$64 per ET                            | \$2240   |
| (\$60 base rate + \$4 indexation)              |          |
| S94 Plan No. 12                                |          |
| (f) Eviron Cemetery:                           |          |
| 35 ET @ \$123 per ET                           | \$4305   |
| (\$101 base rate + \$22 indexation)            |          |
| S94 Plan No. 13                                |          |
| (g) Community Facilities (Tweed Coast - North) |          |
| 35 ET @ \$1389 per ET                          | \$48615  |
| (\$1305.6 base rate + \$83.4 indexation)       |          |
| S94 Plan No. 15                                |          |

(h) Extensions to Council Administration Offices & Technical Support Facilities 35 ET @ \$1860.31 per ET (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	\$65110.85
(i) Cycleways: 35 ET @ \$473 per ET (\$447 base rate + \$26 indexation) S94 Plan No. 22	\$16555
(j) Regional Open Space (Casual) 35 ET @ \$1091 per ET (\$1031 base rate + \$60 indexation) S94 Plan No. 26	\$38185
(k) Regional Open Space (Structured): 35 ET @ \$3830 per ET (\$3619 base rate + \$211 indexation) S94 Plan No. 26	\$134050

[POC0395/PSC0175]

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

The bond shall be based on 5% of the value of the (public infrastructure) works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

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

[PSC0215]

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

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

[PSC0225]

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

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

[PSC0235]

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

[PSC0725]

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

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

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

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

[PSC0735]

74. 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]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) A restriction to user for a 30m wide separation buffer is required on proposed Lot 38 as per the Land Use Conflict Management Strategy prepared by Place Design Group Pty Ltd and dated 16 August 2013. The restriction to user is to state that no agricultural activities are to occur within the 30m wide buffer and is to be maintained in perpetuity, burdening proposed Lot 38 and benefiting proposed Lots 6 through to Lot 14.
- (c) A positive covenant for a 10m wide vegetated buffer is required on proposed Lot 38 as per the Land Use Conflict Management Strategy prepared by Place Design Group Pty Ltd and dated 16 August 2013. The vegetated buffer is to be maintained in perpetuity, burdening proposed Lot 38 and benefiting proposed Lot 6 through to Lot 14 inclusive.
- (d) A positive covenant is required to maintain a 1.8m acoustic fence constructed with lapped-style timber or equivalent in perpetuity on proposed Lot 38 as per the Land Use Conflict Management Strategy prepared by Place Design Group Pty Ltd and dated 16 August 2013. The covenant is to burden proposed Lot 38 and benefit proposed Lot 6 through to Lot 14 inclusive.

- (e) A positive covenant is required for future dwellings on proposed Lot 6 through to Lot 14 inclusive requiring the design of future dwellings on these allotments to be air conditioned and capable of having all doors and windows fully closed.
- (f) A positive covenant is required for agricultural activities conducted on proposed consolidated Lots 38 & 39. The positive covenant is to state that agricultural activities are to be carried out in accordance with the Farm Management Practices prepared by Wilson's Commercial Real Estate and dated 7 August 2013. These agricultural activities may include pesticide spraying, which is regulated under the Pesticides Act 1999. Agricultural activities may only be carried out during daylight hours. The positive covenant is to burden proposed consolidated Lots 38 and 39.
- (g) A restriction to user is required for a future dwelling on proposed Lot 33 stating that a residential dwelling may only be constructed on the southern half of proposed Lot 33.
- (h) Restriction as to user regarding the 'Proposed Environment Covenant B - 424m<sup>2</sup>' shown on Plan No 1 Rev. O Proposed Subdivision dated 13 September 2013 prepared by Bennett & Bennett - this area must be subject to an approved ecological restoration program (undertaken in accordance with an approved habitat restoration plan) and managed as a natural area for conservation purposes in perpetuity.
- (i) Restriction as to user regarding the 'Proposed Environment Covenant B - 424m<sup>2</sup>' shown on Plan No 1 Rev. O Proposed Subdivision dated 13 September 2013 prepared by Bennett & Bennett - The following activities are not permitted within this area:
  - i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this approval unless otherwise approved by Council's General Manager or delegate;
  - ii. Erection of any fixtures or improvements, including buildings or structures;
  - iii. Construction of any trails or paths;
  - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
  - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Covenant Area; and
  - vi. Performance of any other acts which may have detrimental impact on the values of the Covenant Area. The area must be managed in accordance with the approved habitat restoration plan for the life of the development and the use of the premises.

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]

76. Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each new lot in the deposited plan.

[PSC0845]

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

[PSC0855]

78. 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]

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

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

Note:

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

[PSC0915]

80. The six months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

81. A formal asset handover of all water quality control devices is to be implemented at the completion of the maintenance period ("Off Maintenance"), whereby all relevant stakeholders will inspect the device and be issued with a current operational manual for the device.

[PSC1025]

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

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

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

[PSC1065]

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

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

[PSC1075]

84. 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]

85. 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]

86. Electricity

- (a) 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; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

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

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

[PSC1185]

87. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSCNS01]

88. Documentary evidence is to be provided that the right of carriageway and footway plus any existing unnecessary easements no longer required are extinguished prior to the issue of a Subdivision Certificate.

[PSCNS02]

89. Prior to the issue of the subdivision certificate the vegetated buffer is to be established on Lot 38 in accordance with the approved landscape plan.

90. The developer is to undertake care and maintenance operations on all streetscapes and public open space for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.

[PSCNS04]

91. A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of any Subdivision Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

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

92. Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted for the streetscape. These must show all plantings, footpaths and underground services. The plans are to be certified by a registered surveyor or consulting engineer.

Two categories of WAX plans are to be provided:

- a) The original approved plan with any variation to this indicated.
- b) Plan showing only the actual as constructed information.

The plans are to be submitted in the following formats:

- a) 2 paper copies of the same scale and format as the approved plan.

- b) A PDF version on CD or an approved medium.
  - c) An electronic copy in DWG or DXF format on CD or an approved medium.
93. Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to the release of the subdivision certificate and shall be maintained at all times in accordance with the approved Plan.
94. The final Habitat Restoration Plan report is to be approved by the General Manager or delegate prior to release of the first subdivision certificate.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr G Bagnall, Cr B Longland**

**AGAINST VOTE - Cr M Armstrong, Cr K Milne**

**ABSENT - DID NOT VOTE - Cr C Byrne**

Cr C Byrne has returned from temporary absence at 08:28 PM

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**a33 [PR-CM] Class 1 Appeal in Relation to Development Application DA12/0527 for Internal Alterations and Additions Comprising of a New General Store, Extension of Entrance and Car Park Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West**

**LATE ITEM**

**838**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Item a33 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**839**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Council in respect of its decision to refuse Development Application DA12/0527 for internal alterations and additions comprising of a new general store, extension of entrance and car park reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West determines to defend the Class 1 Appeal and engage the necessary solicitors and consultants.

The Motion was **Carried**

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***FOR VOTE - Unanimous***

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**b33 [PR-CM] Strategic Planning - Murwillumbah Bowls and Sports Club site - Lot 1 DP 524512, Lot 1 DP 523131, Lot A DP 390347, and Lot 1 DP 250164 Condong Street, Brisbane Street and Commercial Road, Murwillum**

**LATE ITEM**

**840**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Item b33 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

The Motion lapsed as there was no Seconder.

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**c33 [PR-CM] Combined Planning Proposal (PP13/0003) and Development Application (DA13/0469) for a Highway Service Centre, Chinderah**

**LATE ITEM**

**841**

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that Item c33 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**842**

**Cr W Polglase  
Cr M Armstrong**

**RESOLVED** that

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1. A Planning Proposal to facilitate a "Highway Service Centre" on Lot 11 DP 1134229, Lot 1 DP 116567 and Lot 1 DP 210674 be prepared and submitted to the 'Gateway', as administered by the NSW Department of Planning and Infrastructure, for a determination.
2. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is NOT seeking plan making delegations for this planning proposal.
3. The Minister for Planning and Infrastructure or his Delegate be advised that the minimum exhibition period for joint exhibition of the Planning Proposal and Corresponding Development Application (DA13/0469) should be for a period not less than 28 days and should be concurrent.
4. Upon receiving an affirmative Determination Notice from the NSW Department of Planning and Infrastructure any additional studies or work required in satisfaction of demonstrating the suitability of the proposed Highway Service Centre is to be completed.
5. On satisfactory completion of the Planning Proposal it is to be publicly exhibited in accordance with the Determination Notice or where there is no such condition or the condition prescribes a period less than 28 days, for a period not less than 28 days.
6. Following public exhibition of the Planning Proposal a report is to be submitted to Council at the earliest time detailing the content of submissions received and how those, if any, issues have been addressed.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne, Cr G Bagnall**

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